

you nor the lawyer has the right to appear before the Summary Disposition Panel. The Panel reviews the complaint, together with any information, documents, and evidence deemed necessary for it to make its ruling. No testimony is taken at the hearing. If the Panel determines that dismissal is appropriate, all parties are so notified.

### What is a Summary Disposition Panel and who is on it?

State Bar grievance committees are composed of volunteer lawyers and members of the public which serve in 49 district disciplinary districts across the state. Each committee is composed of 2/3 lawyer members and 1/3 public members. The committees act in panels that are also 2/3 lawyer members and 1/3 public members. The Summary Disposition Panel is a panel of a grievance committee that is responsible for deciding whether a complaint should be dismissed based upon the recommendation of the Chief Disciplinary Counsel or should proceed.

### Can I testify at a Summary Disposition Panel meeting?

No. The Summary Disposition Panel reviews the case without oral testimony from any party.

### Can either party appeal a decision by the Summary Disposition Panel?

No. There is no appeal from a determination by the Summary Disposition Panel that the complaint should proceed or be dismissed.

### How will I know what happens with the grievance that I file?

You will receive notification in writing about the status of your grievance throughout each step of the grievance process.

### What happens to lawyers who have been found guilty of professional misconduct?

The lawyer may receive one or more of the following sanctions, depending upon the severity of the case. These include: (1) a reprimand, which may be public or private; (2) suspension from the practice of law, all or

part of which may be probated; or (3) disbarment. Any public sanction an attorney receives for professional misconduct will become a permanent part of the attorney's record.

### Does the State Bar offer any other avenue of recourse for a complainant who has a dispute with a lawyer that is not resolved through the attorney disciplinary system?

Possibly. At any stage of the grievance process at which a complainant's grievance is dismissed, the matter is referred to a voluntary mediation and dispute resolution procedure, the Client-Attorney Assistance Program. Should that occur, you will be provided further information about that program.

### Can anything be done for clients whose money has been stolen by their attorney?

Yes. The Client Security Fund is a discretionary fund maintained by the State Bar that may provide some relief to clients under certain circumstances. In order to seek relief, application must be made with the Fund and the applicant must have participated in the attorney disciplinary process (unless the lawyer is already deceased, disbarred or resigned, or on an indefinite disability suspension prior to completion of the applicant's complaint against the lawyer). Under certain circumstances, clients may be eligible for financial relief from this source. The Client Security Fund does not address legal malpractice damages, disputes over the amount charged for legal services, dissatisfaction with the outcome achieved by the lawyer, or recovery of monies paid to another attorney for work that was not done by the lawyer complained about.

### What if I believe I have a claim for legal malpractice?

Neither the State Bar nor the Chief Disciplinary Counsel can advise you regarding what claims, if any, you may have for legal malpractice. The State Bar does not have any ability to pursue or in any fashion become involved in whatever claims you may have with regard to legal malpractice on the part of the lawyer. If you believe you have such a claim, you should seek advice from a private attorney of your choosing.

### Who do I contact if I have other questions about the disciplinary process?

If you have questions prior to filing a grievance, please call the Grievance Information Helpline at 800-932-1900. If you have questions after you have filed a grievance, please call the Chief Disciplinary Counsel's office at 866-224-5999 or write the Chief Disciplinary Counsel's office at the address below.

Office of the Chief Disciplinary Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711-2487  
1-866-224-5999 (toll free)

# ATTORNEY COMPLAINT INFORMATION

This brochure answers some common questions about the State Bar's attorney disciplinary system. If you have any questions about this process that are not answered in this brochure, please call the Grievance Information Helpline of the State Bar of Texas at 1-800-932-1900.



**All lawyers in Texas have an obligation to maintain a high standard of ethical conduct toward their clients and others. To enforce this standard, the State Bar of Texas investigates and prosecutes complaints of professional misconduct against attorneys licensed in Texas, pursuant to the Texas Rules of Disciplinary Procedure as promulgated by the Supreme Court of Texas.**

### What rules are lawyers required to follow?

For purposes of professional discipline, the ethical rules that attorneys must follow are called the Texas Disciplinary Rules of Professional Conduct. These rules may be found at [www.texasbar.com](http://www.texasbar.com). They are also printed in the Texas Government Code (Title 2, Subtitle G-Appendix A, Article 10, section 9), or you may call 1-800-932-1900 to request a copy for \$10.00.

### Should I file a grievance?

Reporting unethical behavior of Texas lawyers helps reduce and prevent harm to the public and the legal profession. In order for the State Bar to investigate the attorney's conduct, the person seeking to complain about the attorney must file a written grievance describing the attorney's conduct with the State Bar. The Bar's Grievance Information Helpline (1-800-932-1900) can assist you in determining whether to report the conduct of the lawyer and whether other resources might be beneficial.

### Is there a statute of limitations on filing a grievance?

Yes. With a few exceptions, there is a four-year statute of limitations on filing a grievance. This means that you usually have four years from the time the alleged misconduct occurred to file a grievance with the State Bar.

### Must I be the person who hired the lawyer in order to file a complaint?

No. Any person with knowledge of what they believe to be professional misconduct by a lawyer has the ability to file a complaint.

### How do I file a grievance?

The first step in filing a grievance is to complete a grievance form and mail it to the State Bar Chief Disciplinary Counsel's office. If you have obtained a grievance form

from the State Bar, it should be mailed to the address shown at the bottom of the form. It is important that you mail your grievance to the appropriate office for review. This would be the office closest to where the attorney's office is located. The office addresses can be found on the State Bar's website or you can call and obtain that information from the Grievance Information Helpline at 1-800-932-1900, or by calling the Chief Disciplinary Counsel's office toll free at 866-224-5999.

Please be sure to include with your grievance form copies (*not* originals) of any documentation – such as letters or pleadings – that you believe are important in understanding your grievance.

### Are grievances confidential?

If you are reporting the conduct of a lawyer who is or was representing you in a legal matter, it is very important to know that signing the grievance form waives the attorney-client privilege that would otherwise keep discussions between you and your lawyer confidential. Waiver of this privilege is necessary for the State Bar to review your grievance in its entirety.

Information about a pending grievance against a lawyer is confidential and not subject to disclosure unless it is ordered by a court to do so or the lawyer complained about waives confidentiality. However, if the lawyer is found to have committed professional misconduct and receives a public sanction, information about the grievance is no longer confidential.

### What happens after I file a grievance?

The Chief Disciplinary Counsel's staff will review the grievance to determine whether the allegations violate any of the ethical rules. This is called the "classification stage" of the disciplinary process.

A grievance that does not allege a violation of the ethical rules is classified as an "inquiry" and dismissed. You will be notified of the dismissal and the matter will be referred to the Client-Attorney Assistance Program for a voluntary mediation and dispute resolution procedure.

### Can I appeal the dismissal of the grievance?

Yes. You have one opportunity to file an appeal of the classification to the Supreme Court's Board of Disciplinary

Appeals (BODA) within 30 days from notification of the dismissal. BODA will review the grievance and make an independent determination about whether the grievance states a violation of the ethical rules. BODA may agree with the Chief Disciplinary Counsel's decision or it may reverse the classification decision. If BODA grants the appeal and reverses the classification decision, the grievance is referred back to the Chief Disciplinary Counsel for investigation.

### Can I amend and re-file my grievance?

Yes. If BODA denies your appeal and affirms the dismissal of your grievance, you can amend the dismissed grievance with new or additional information and resubmit it to the Chief Disciplinary Counsel's office within 20 days of your receipt of BODA's notice. The amended grievance must contain new or additional information and may be amended one time only.

### What happens if my grievance does state a rule violation?

If it is determined that the grievance does state a rule violation, it is classified as a "complaint." The lawyer complained about is sent a copy of the complaint and asked to respond to the allegation(s) and submit a response in writing within 30 days. The Chief Disciplinary Counsel will then conduct a "just cause" investigation, reviewing all of the information received from the complaining party and the accused attorney and any additional information gathered in order to decide whether there is just cause to believe that professional misconduct occurred.

### What happens after the just cause investigation is completed?

If the Chief Disciplinary Counsel concludes that there is just cause to believe professional misconduct occurred, the lawyer is notified of what conduct is complained about and what ethical rules are alleged to have been violated. The lawyer is given a choice of whether to have a panel of a grievance committee or a district judge hear the case.

A petition is then filed with either an Evidentiary Panel or a district court by the Chief Disciplinary Counsel on behalf of the Commission for Lawyer Discipline. The case will then be set for trial either before an Evidentiary Panel of a grievance committee or a district court.

### What happens if my complaint proceeds to an evidentiary hearing?

An Evidentiary Panel is a panel of a grievance committee composed of 2/3 lawyer members and 1/3 non-lawyer members who hear and consider the evidence and decide whether the lawyer has committed professional misconduct. Witness examination may be conducted only by the Commission for Lawyer Discipline and the Evidentiary Panel members. The admission or exclusion of evidence shall be in the discretion of the Evidentiary Panel chair. After conducting the Evidentiary hearing, the Evidentiary Panel will issue a judgment of its decision within 30 days on whether or not the attorney is found to have committed professional misconduct. All parties are notified of the Evidentiary Panel's decision.

### Can I appeal an Evidentiary Panel's decision if I don't agree with it?

No. Evidentiary decisions are not appealable by the complainant.

### What happens if my complaint proceeds to a trial in district court?

A jury may be requested by the Commission for Lawyer Discipline or the accused lawyer. Evidence in a district court trial may include your testimony, the lawyer's testimony and possibly the testimony of additional witnesses in addition to any documented evidence submitted to the court. The trial court will enter judgment after the close of evidence or after the return of the jury's verdict.

### If I disagree with the result reached at a district court trial, can I appeal?

No. District Court decisions are not appealable by the complainant.

### What happens if just cause is not found?

If the Chief Disciplinary Counsel concludes that just cause does not exist to believe that the attorney committed professional misconduct, the matter is presented to a Summary Disposition Panel with a recommendation that the complaint should be dismissed. Neither