



GENERAL INFORMATION ON FILING COMPLAINTS WITH THE TOLEDO BAR ASSOCIATION

TOLEDO BAR
ASSOCIATION

(Keep for your reference)

THE GRIEVANCE PROCESS

The Grievance Committee of the TBA has been authorized by the Supreme Court of Ohio to investigate grievances against attorneys and judges in Lucas County or involving cases which arise in Lucas County. Matters which arise in other counties may be directed to the Office of Disciplinary Counsel of the Supreme Court of Ohio, 250 Civic Center Drive, Suite 325, Columbus, OH 43215-5454, telephone (614) 461-0256, or to another Grievance Committee. If you choose, instead of proceeding with the TBA, you have the option to file a grievance directly with the Disciplinary Counsel. **Please advise our office, as soon as possible, if that is your choice. You may not file with both offices.**

Your written statement will be reviewed to determine if it contains substantial allegations which, if proven, would constitute professional misconduct under the Ohio Rules of Professional Conduct (formerly the Code of Professional Responsibility), or for judges, the Code of Judicial Conduct. The authority of the TBA is limited to misconduct defined in the Rules or Code. The 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 Rules.

The Bar Association has no authority to change any decision by a court of law, or to interfere with ongoing legal proceedings. The Bar 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 in the Ohio Supreme Court or to exonerate the attorney when no misconduct is found. **The Bar Association and its Grievance Committee cannot give you legal advice or represent you. A person with a legal problem should consult an attorney of his or her choice.**

The Grievance Committee does not ordinarily investigate claims of simple negligence or malpractice. If you have such a claim, you should consult an attorney of your choice.

If it appears that there may be a violation, your complaint will be investigated. If substantial, credible, convincing evidence is found that a violation has occurred, the Grievance Committee will file a formal complaint with the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court. If that Board, after hearing, finds that the attorney has committed misconduct, it 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 accepts (certifies) a formal complaint. A grievance or complaint can be dismissed at any point in the process.

FEE ARBITRATION

The TBA also has a program to resolve fee disputes between lawyers and clients. If, after examination of your complaint, (or, occasionally, after investigation) we determine that it states a dispute about fees rather than a claim of unethical conduct, you will be given information about this program. You may then choose to participate or not, at your option.