



C M B A

**CLEVELAND METROPOLITAN  
BAR ASSOCIATION**

## Memorandum

**TO:** Grievant

**FROM:** The Cleveland Metropolitan Bar Association Certified Grievance Committee

**RE:** Your Grievance Against an Attorney

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The Certified Grievance Committee has received your request to investigate the conduct of an attorney. In order to properly investigate, the Committee needs additional information from you regarding your complaint. Please read this memo and the attached information before completing the enclosed form. Please retain this memo and the 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. We may need to contact both of you in the future.
3. Attach to your completed form copies of any documents you feel support your grievance (e.g., fee agreements, dockets, court documents, correspondence to/from the attorney, transcripts, etc.) Do not attach original documents; they will not be returned to you.
4. Submit the original completed form **with your signature and date** with your supporting documents (if any), as well as **two copies** of the entire packet. (Failure to provide the original plus two copies may delay the processing of your grievance.) Mail to:  
Certified Grievance Committee  
Cleveland Metropolitan Bar Association  
1301 E. 9<sup>th</sup> Street, Second Level  
Cleveland, OH 44114
5. If you wish to file a complaint against more than one attorney, complete a separate form for each lawyer against whom you are complaining.
6. Do **not** list the name of a law firm or law office as the name of the attorney against whom you are complaining. The Committee can only investigate the conduct of individual attorneys - not firms.
7. 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 fee arbitration according to the rules of that program.
8. You may not file a grievance with this Association's 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 us your completed form, the review process can begin. The initial review stage generally takes 60 to 90 days. However, a more formal investigation will likely take longer but should not exceed one year. You may be contacted to provide additional information to the Committee or you may not be contacted at all. The Committee does not always need additional information from a complaining party to investigate a grievance. However, if you have questions or wish to know the status of your complaint, you may contact the Grievance Department at (216) 696-3525 Monday through Friday during the hours of 9:00 AM and 4:00 PM. Please note that due to limited staff in the Grievance Department, we are unable to meet with grievants in person. At the conclusion of the investigation you will be notified by mail about the findings of the Committee.

### **GENERAL DESCRIPTION OF THE INVESTIGATION PROCESS**

When a grievance is received, the Certified Grievance Committee begins an investigation into whether the attorney violated one or more of the Rules of Professional Conduct which must be followed by all attorneys. 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 Grievances and Discipline. Usually, a hearing is held at which you may be asked to testify. After considering the evidence and recommendations of the Hearing Panel, the Board of Commissioners makes 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 that 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. 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.

### **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 ON 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 Lawyer-Client Fee Dispute Resolution 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 can be enforced by a court. 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 Lawyer-Client Fee Dispute Resolution Committee has separate forms that must be filed in order to petition for fee arbitration. Those forms and the requirements for that program may be obtained on our website at [www.clemetrobar.org](http://www.clemetrobar.org) or by contacting the Association's Legal Department at (216) 696-3525 during the hours of 9:00AM to 4:00 PM, Monday through Friday.

# The Cleveland Metropolitan Bar Association

*Certified Grievance Committee*  
1301 East Ninth Street, Second Level  
Cleveland, Ohio 44114-1253

PLEASE TYPE OR PRINT LEGIBLY. SUBMIT THIS ORIGINAL FORM AND 2 COPIES, ALONG WITH 3 COPIES OF ALL OF YOUR ATTACHMENTS (IF ANY).

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Your Name: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

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Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

County: \_\_\_\_\_

Office Phone: \_\_\_\_\_

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Did you hire this attorney? \_\_\_\_\_

Date you hired this attorney: \_\_\_\_\_

Did you sign a fee contract with this attorney? \_\_\_\_\_ (If yes, please attach a copy.)

What was your understanding of the terms of the fee agreement? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you filed a complaint with another disciplinary agency? \_\_\_\_\_

If, yes state name of agency, action taken and date. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did the attorney file a lawsuit on your behalf? \_\_\_\_\_

If so, please state case number and court. \_\_\_\_\_

Have you filed a lawsuit against the attorney? \_\_\_\_\_

If so, please state case number and court. \_\_\_\_\_

Did you discharge the attorney? \_\_\_\_\_

If so, please state the date of discharge. \_\_\_\_\_

