



## Memorandum

**TO:** Grievant

**FROM:** The CMBA Certified Grievance Committee

**RE:** Your Grievance Against a Lawyer

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### 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 yourself and the lawyer. We may need to contact both of you.
3. Attach to your completed form copies of any documents that support your grievance. For example, you could attach your fee agreement with the lawyer and any letters or emails. Please do not send original documents because they will not be returned to you.
4. Submit the original, signed form and your supporting documents (if any), as well as **two copies** of the entire packet to:

**Certified Grievance Committee  
Cleveland Metropolitan Bar Association  
1375 E. 9<sup>th</sup> Street, Floor 2  
Cleveland, OH 44114-1785**

5. If you wish to file a grievance against more than one lawyer, complete a separate form for each lawyer.
6. Please do not list the name of a law firm or law office as the name of the lawyer. The Committee can only investigate the conduct of individual lawyers - not law firms.
7. If you wish to file both a grievance and a petition for fee dispute arbitration, you must file the grievance first. If your fee dispute still exists after the grievance process is over, you may petition for fee arbitration at that time.
8. You may not file the same grievance with the CMBA's Committee and another Committee. If you have already filed a grievance against the lawyer with another agency, please do not file a second grievance with the CMBA.

## **WHAT HAPPENS DURING THE GRIEVANCE PROCESS?**

When a grievance is received, the Certified Grievance Committee begins an investigation into whether the lawyer violated one or more [Rules of Professional Conduct](#). The investigations are done by Committee volunteers who may interview the parties and any witnesses and review any relevant paperwork. If the Committee believes there is substantial, credible evidence that the lawyer violated one of those rules and that the lawyer should be sanctioned for the violation, a formal complaint may be filed with the Board of Professional Conduct of the Supreme Court of Ohio. Usually, a hearing is held in Columbus and you may be asked to testify. After considering the evidence and recommendations of the hearing panel, the Board makes a recommendation to the Supreme Court of Ohio as to what sanction should be imposed. The Court can adopt the recommendation of the Board or impose a greater or lesser sanction.

Please be advised that the Committee cannot give legal advice, provide legal representation for you or recover or collect any money on your behalf. The sole function of the Committee is to conduct grievance investigations which may result in a sanction against the lawyer. The disciplinary process will not affect or change court decisions made in your case.

## **HOW LONG DOES THE GRIEVANCE PROCESS TAKE?**

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 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 to investigate a grievance. However, if you have questions or wish to know the status of your grievance, you may contact the Legal Department at (216) 696-3525. Because we have such a small staff we are unable to meet with grievants in person. At the conclusion of the investigation you will be notified by mail about the decision of the Committee.

## **CAN I TELL ANYONE I FILED A GRIEVANCE?**

The Rules of the Supreme Court of Ohio require that grievance investigations be confidential so please do not tell others that you are submitting a grievance. However, the lawyer will be notified that you have filed a grievance and will receive a copy of the grievance. You should be aware that by filing a grievance, you are waiving the attorney-client privilege and the lawyer may provide to us any information regarding his or her representation of you that may assist in the investigation.

## **WHAT IF MY LAWYER IS OVERCHARGING ME?**

If the Committee decides that your grievance is primarily about the legal fees paid or owed to your lawyer, you will be invited to file a fee dispute petition with the Lawyer-Client Fee Dispute Resolution Committee. If a fee arbitration hearing is held, the arbitration panel will determine the reasonable value of service the lawyer provided. 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 before filing a fee dispute petition. Fee dispute petitions that raise allegations of ethical misconduct may be referred to the Certified Grievance Committee before they are processed by the Fee Dispute Committee.

## **WHAT IF I HAVE OTHER QUESTIONS?**

For any additional questions about the grievance process or the fee dispute process, please feel free to call the Legal Department at (216) 696-3525.

# The Cleveland Metropolitan Bar Association

*Certified Grievance Committee*  
1375 East Ninth Street, Floor 2  
Cleveland, Ohio 44114-1785

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: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

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Lawyer's Name: \_\_\_\_\_

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

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

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

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Did you hire this lawyer? \_\_\_\_\_

Date you hired this lawyer: \_\_\_\_\_

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

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

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

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

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

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

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

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

Did you discharge the lawyer? \_\_\_\_\_

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

