

## **IMPORTANT!**

Read this brochure before completing the attached complaint form.

# **Complaints Against Alabama Lawyers**

**This brochure is for anyone who is considering filing a complaint against a lawyer with the Alabama State Bar. It explains how and where to file a complaint against an Alabama lawyer. The Supreme Court of Alabama, through the Alabama State Bar, regulates lawyer conduct in this state. Filing a complaint is a very serious matter.**

### **Filing a Complaint**

All lawyers who practice law in Alabama must be members of the Alabama State Bar. The Alabama State Bar's grievance system was established by the Supreme Court of Alabama to enforce uniform standards of professional conduct for lawyers. Filing a complaint should not take the place of communicating with your lawyer in an attempt to resolve differences. If your problem is the result of a misunderstanding or a breakdown in communication, the problem may be solved by a candid talk with your lawyer. If you have made a sincere effort to resolve your problem and still believe that the lawyer may have violated an ethics rule, file your complaint. A complaint should not be made lightly or used to try to gain an advantage in your transactions with a lawyer. A lawyer who is accused of misconduct suffers whether or not he is found to be at fault. More than a claim of misconduct is needed to justify discipline. It takes evidence—proof.

### **How to File a Complaint**

After you have completed reading this brochure, you must submit your complaint by using the enclosed Complaint Form. Additional pages may be attached. Attach copies of any documents that support your allegations. Please do not send original documents. The Bar will not copy your documents and return them to you. The complaint should be signed, in the presence of, and notarized by a notary public. The Alabama State Bar does not charge you fees or costs for filing your complaint against an Alabama lawyer.

### **What Happens After You File a Complaint**

All complaints filed with the Alabama State Bar are reviewed by Bar counsel to determine if the complaint has sufficient merit to warrant a full investigation. In most cases, a copy of your complaint is sent to the lawyer for a response. Once the lawyer's response is received, your complaint and his response will be reviewed again by Bar counsel to determine what further action, if any, should be taken. You will be sent written notification of the decision. If it is determined that there is insufficient evidence to merit a formal investigation, then you will be notified. However, if there is sufficient information to establish that an ethics violation possibly occurred, a formal investigation will be opened. Some investigations will be sent to local Bar grievance committees, and others will be investigated by the Bar.

The processing of most formal investigations at this stage can take anywhere from six to eighteen months, depending on the complexity of the situation. You will be notified in writing about the outcome of your complaint. You may be contacted during the investigation. If a hearing is held before the Disciplinary Board, you may be required to attend and testify.

### **What the Complaint Process Cannot Do**

- Recover money damages;
- Set aside a criminal conviction;
- Make the lawyer take action you wish him or her to take;
- Offer assistance with your pending legal matter or provide legal advice;
- Substitute for other civil or criminal remedies;
- Resolve disputed lawyer's fees (see "Fee Disputes");
- Punish the rude behavior of a lawyer;
- Assist with complaints against sitting judges;
- Address allegations that lawyers acting as guardians ad litem have taken positions with which you disagree;

or

- Resolve disputes over debts of a lawyer, such as a lawyer's failure to pay a bill to you.

Not all allegations of misconduct amount to a violation of an ethics rule. An honest disagreement between a lawyer and client about the handling of a case is not misconduct. A mistake or error of judgment is not a cause for discipline.

### **What Happens If It Is Determined That a Lawyer Violated an Ethics Rule**

If the Disciplinary Commission determines that the lawyer has violated an ethics rule, they may impose discipline. The lawyer is notified of the Commission's decision. The lawyer is normally given 14 days to: (1) accept the proposed discipline; (2) request reconsideration upon submitting additional evidence; or (3) demand formal charges and a hearing.

### **How a Lawyer May Be Disciplined**

**Probation** - The lawyer will be monitored, may be required to report to a disciplinary authority, and his practice may be restricted during a specific period of time.

**Private reprimand** - A written reprimand, signed by the President of the Alabama State Bar is sent to the lawyer and placed in the lawyer's permanent file.

**Public reprimand** - There are two types. In both, the lawyer must appear before a public meeting of the Board of Bar Commissioners, where the reprimand will be read to him by the President of the Alabama State Bar. However, one type of public reprimand will be published in both the local newspaper where the lawyer practices and The Alabama Lawyer (a publication that is distributed to all members of the Alabama State Bar). The other type of public reprimand is published only in The Alabama Lawyer. These reprimands are also placed in the lawyer's permanent file.

**Suspension** - The lawyer is suspended from practicing law for a specific amount of time, ranging from 45 days to five years. Depending on the length of suspension, lawyers may be reinstated to practice law without a hearing. In some cases a lawyer may not resume the practice of law until reinstated after public notice and a hearing.

**Disbarment** - The lawyer is disbarred. A disbarment is for a period of five years. The lawyer must petition the Bar for reinstatement in order to be allowed to resume the practice of law.

## **Fee Disputes**

Fee disputes are not handled by the Alabama State Bar's grievance system because fee disputes generally do not involve questions of ethics or professional conduct.

## **Client Security Funds**

The Client Security Fund was established by the Alabama State Bar to provide reimbursement to individuals who have lost money or property due to the dishonesty of an Alabama lawyer. All claims are investigated by the

Client Security Fund Committee. Reimbursement is made at the discretion of the Client Security Fund Committee in appropriate cases. There is no right to reimbursement and reimbursement is limited. The Fund is a remedy of last resort for those who cannot obtain reimbursement from other sources. If you wish to make application to this fund please contact the Alabama State Bar for additional information.

## **Who Will Know About Your Complaint and the Information Provided to the Bar**

In most instances, the lawyer will be sent a copy of your complaint and copies of the information you provide. The rules of the Supreme Court of Alabama require that the Alabama State Bar treat all inquiries and complaints filed with the Office of General Counsel as confidential, unless discipline has been imposed. However, during the course of the investigation, the investigator may need to contact witnesses for additional information.

You, as the complainant, have absolute immunity from suit for filing your complaint. Witnesses who may be required to testify at a hearing also have immunity from suit resulting from their participation in the grievance process.

Your complaint will receive the Alabama State Bar's prompt attention and every attempt will be made to resolve your complaint in a manner which is fair to both you and the lawyer.

**Alabama State Bar**  
Center for Professional Responsibility  
415 Dexter Avenue  
Montgomery, AL 36104  
334-269-1515  
<http://www.alabar.org>

Single copies of this brochure and others are free upon request by contacting the Alabama State Bar at the above listed number or Web site.

# COMPLAINT AGAINST A LAWYER

Return your completed form to:

Alabama State Bar  
Disciplinary Commission  
P. O. Box 671  
Montgomery, AL 36101-0671

**NAME AND ADDRESS OF COMPLAINANT**

\_\_\_\_\_  
Last Name, First Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number(s)

\_\_\_\_\_  
Alternate contact, address, or phone number

**NAME AND ADDRESS OF ATTORNEY  
AGAINST WHOM YOUR COMPLAINT IS  
MADE**

\_\_\_\_\_  
Last Name, First Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone Number(s)

On what date did the alleged ethics violation occur? \_\_\_\_\_

What was your fee arrangement with the attorney? \_\_\_\_\_

## COMPLAINT INSTRUCTIONS:

1. If you have a complaint against more than one attorney, use a SEPARATE complaint form for each attorney, with the details and relevant exhibits attached to each separate complaint. If you are filing more than one complaint, do not combine your complaint details or your exhibits into one document, or make a specific comment about a complaint filed against another attorney, or it will be returned to you. We will not accept complaints against law firms.
2. Send your complaint with an original notarized signature. We will not accept a copy of your signature.
3. State specifically, on each individual complaint, what the attorney did or failed to do which you believe constitutes unethical conduct, and when it occurred.
4. Attach **COPIES** of any receipts, contracts, or other documents which are important to the complaint, to the back of each individual complaint. Keep your own original documents.
5. Please, do not bind your complaint. Type or write your complaint legibly in ink so it can be copied.
6. You may add more pages to this form if necessary.
7. If you believe that drugs, alcohol or mental disability affected the lawyer's representation, please state what facts support your belief.
8. This matter is confidential at this stage of the proceedings, until the Disciplinary Commission or Board has acted.
9. The Alabama Bar Association does not represent you in this matter but acts to investigate complaints on behalf of the Supreme Court of Alabama.

