

Purpose of Grievance Committee: To Protect the Public

The Attorney Grievance Committee of the Fourth Judicial Department of the State of New York was formed to investigate and prosecute complaints of misconduct against lawyers.

The main purpose of the Committee is to protect the public against the small minority of lawyers who do not act in an ethical manner.

General Information

All lawyers promise when they enter practice to uphold the law and to be guided by rules of ethics, known as the Code of Professional Responsibility, which have been adopted by our Appellate Division of the State Supreme Court. A lawyer who commits a breach of this code of professional conduct is subject to discipline which, in some case, could mean suspension of his or her license to practice or even its permanent loss.

Discipline of a lawyer must be considered very carefully since it may drastically affect the lawyer's career, reputation, and ability to earn a living. You can understand, therefore, that it takes more than a claim of unethical conduct to justify the imposition of discipline. It takes evidence, proof of unethical conduct, to justify discipline of a lawyer, just as it takes proof before you or any member of society may be penalized for wrongdoing. Consequently, the investigation of a complaint and disciplinary proceedings are kept confidential pursuant to state law.

An honest disagreement about how a case should be handled, or should have been handled, does not constitute unethical conduct.

Except in some unusual circumstances, disagreement about fees does not constitute unethical conduct. There can be legitimate differences about fees, of course. If your complaint is found to be a fee dispute, not involving unethical conduct, you will be so advised. You may be referred to a committee on conciliation of fee disputes, which will attempt to assist you and the lawyer to reach a fair settlement of the problem.

Unethical conduct means wrongdoing, a violation of the profession's code of ethics, which can be proved by available evidence.

Filing a Complaint

While the filing of a complaint against a lawyer is a serious matter which should not be undertaken lightly, you need not be an expert on the legal profession's ethical standards before you file a complaint with this office.

If you believe that your lawyer has acted unethically and you cannot resolve the matter with the lawyer, you may file a written complaint with the appropriate Grievance Committee.

The complaint should be in writing. No special form or language is necessary. Your written complaint should include all important information. If letters, agreements, or other documents are involved, **copies** should be included if available. If more information than what you provide is needed it will, of course, be requested. There is no financial cost to you in filing a complaint.

Disposition of a Complaint

Your complaint will be first reviewed by a staff member. If your problem is a misunderstanding with your lawyer not involving unethical conduct, the Committee will not inquire further into your complaint. If your complaint appears to be a fee dispute or other minor matter, the Committee will refer your complaint to the local county bar association for resolution. In any event, you will be notified if this office determines that your complaint is not within our jurisdiction.

If the review of your complaint indicates that unethical conduct may be involved, the usual procedure is for our office to send a copy of your complaint to the lawyer for his or her response. You will receive a copy of the lawyer's response to your complaint. If the lawyer's response does not resolve the matter, further investigation will be undertaken.

After the investigation is completed, the Grievance counsel will review the facts and then determine the appropriate action to take. If the complaint is reviewed by the Committee, it can dismiss the complaint, admonish the lawyer, or recommend that the complaint be referred to the Appellate Division of the Supreme Court of New York for formal disciplinary proceedings.

Disciplinary Decision by the Appellate Division

The Appellate Division has ultimate authority over attorney conduct in this state. This Court may impose discipline ranging from public censure to disbarment, if the charges are sustained. If the Court decides to take disciplinary action against an attorney, the decision will be made public.

How Long Will it Take?

It is hard to predict just how long it will take to process a particular complaint. Much depends upon the nature of the complaint, but we assure you that it will be handled as quickly and fairly as possible. You will be notified of the outcome.

What Can I Expect from the Grievance Process?

The grievance process exists to protect the public. Grievance Committee members are not paid for their work. The committees consist of lawyers and nonlawyers, who volunteer to do this work in order to maintain the standards of the legal profession. By bringing a complaint to their attention, you will help the committees achieve that goal. The committees will act to resolve your complaint in a manner that is fair to both you and the attorney. However, the committees cannot represent you or give you legal advice. They cannot sue an attorney on your behalf, or seek the return of money or property from your attorney. The only matters that will be addressed by the committees are questions of the ethical conduct of attorneys.

What Is the Lawyers' Fund for Client Protection?

The Lawyers' Fund for Client Protection is an organization that was created by the State Legislature in 1981 to reimburse losses caused by the dishonest conduct of New York attorneys in the course of their practice. It is funded by all New York attorneys, who are required to pay a biennial registration fee in order

to practice. You are not required to be represented by a lawyer in order to submit a claim to the Fund. For more information on the operations of the Fund and filing a claim with the Fund, you may write to them at 119 Washington Avenue, Albany, New York 12210, call the Fund's toll-free number, 1-800-442-FUND, or fax them at 1-518-434-5641.

Visit our website at:
www.nycourts.gov/ad4

HOW COMPLAINTS AGAINST ATTORNEYS ARE PROCESSED

Where to File a Complaint

Complaints against lawyers should be directed to the appropriate Grievance Committee office.

Herkimer, Jefferson, Lewis, Oneida, Onondaga, and Oswego Counties:

Attorney Grievance Committee
Fifth Judicial District
224 Harrison Street, Suite 408
Syracuse, New York 13202-3066
(315) 401-3344 Fax (315) 401-3339

Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, and Yates Counties:

Attorney Grievance Committee
Seventh Judicial District
50 East Avenue, Suite 404
Rochester, New York 14604-2206
(585) 530-3180 Fax (585) 530-3191

Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties:

Attorney Grievance Committee
Eighth Judicial District
438 Main Street, Suite 800
Buffalo, New York 14202
(716) 845-3630 Fax (716) 856-2701



This pamphlet is designed to explain how a complaint against a lawyer may be filed, what it should contain, and how it is processed by the Attorney Grievance Committees.

If you have already filed a complaint, this pamphlet is sent to you to acknowledge its receipt.



**PREPARED BY THE
ATTORNEY GRIEVANCE COMMITTEES
FOURTH JUDICIAL DEPARTMENT
FIFTH, SEVENTH AND EIGHTH
JUDICIAL DISTRICTS**