



INFORMATION FOR CLIENTS OF TEXAS ATTORNEYS

The information included on this page is for educational and informational purposes only. Please consult an attorney regarding specific legal questions.

Attorney Complaint Information

All lawyers in Texas have an obligation to maintain a high standard of ethical conduct toward their clients and others. To enforce this standard, the State Bar of Texas investigates and prosecutes complaints of professional misconduct against lawyers licensed in Texas.

Reporting unethical behavior of Texas lawyers helps reduce and prevent harm to the public and the legal professional. In order for the State Bar to investigate a lawyer's conduct, the person seeking to complain about a lawyer must file a written grievance describing the lawyer's conduct with the State Bar's Office of Chief Disciplinary Counsel.

Is there a statute of limitations on filing a grievance?

Yes. With a few exceptions, there is a four-year statute of limitations on filing a grievance.

Do I have to be the client in order to file a grievance against a lawyer?

No. Any person with knowledge of what he or she believes to be professional misconduct by a lawyer has the ability to file a grievance.

How do I file a grievance?

You should first obtain a grievance form. The form must be signed and dated. Be sure to include copies of any documents that you believe to be important in understanding your grievance (*do not* send originals — the documents will not be returned). It is not necessary that you use any special binding or notebook for your grievance.

How will I know what happens with the grievance that I file?

You will receive notification in writing



about the status of your grievance throughout the grievance process.

What happens after I file a grievance?

The Chief Disciplinary Counsel (CDC) will review your grievance and will, within 30 days, determine whether the conduct of the lawyer as alleged might constitute a violation of the Disciplinary Rules of Professional Conduct (the ethics rules). A grievance that is determined to not allege a violation of the ethics rules is classified as an "Inquiry" and is dismissed.

A grievance that is determined to state a possible violation of the ethics rules is classified as a "Complaint" and is investigated by the CDC. You will be notified of this determination by mail. Com-

plainants whose grievances are dismissed are directed to contact the Client-Attorney Assistance Program (CAAP), a voluntary dispute resolution program maintained by the State Bar.

What happens if my grievance does state a rule violation?

From this point forward, the regional office of the CDC that has appropriate jurisdiction will handle your grievance. You will receive notification of where your grievance will be handled and who to contact if you have questions. A copy of your complaint is sent to the lawyer who is the subject of the complaint, with instructions to submit a written response to the complaint to the CDC within 30 days. The CDC will then conduct an investigation of the matter over the next



60 days, reviewing all of the information received from the complaining party and the accused lawyer and any additional information.

What happens after the investigation is completed?

If the CDC concludes that professional misconduct occurred, the lawyer is notified of what conduct is complained about and what ethical rules are alleged to have been violated. The lawyer is given a choice of whether to have a panel of a grievance committee or a district judge hear the case. A petition is then filed with either an evidentiary panel or a district court. The case will then be set for trial either before an evidentiary panel of a grievance committee or a district court.

What happens if my complaint proceeds to an evidentiary hearing or goes to trial in district court?

After conducting the hearing, the evidentiary panel will issue a judgment of its decision within 30 days on whether the lawyer is found to have committed professional misconduct. All parties are notified of the evidentiary panel's decision.

Evidence in a district court trial may include your testimony, the lawyer's testimony, and possibly the testimony of additional witnesses, as well as any documented evidence submitted to the court. The trial court will enter judgment after the close of evidence or after the return of the jury's verdict.

Can I appeal an evidentiary panel's decision or a result reached at a district court trial if I don't agree with it?

No. Evidentiary and district court decisions are not appealable by the complainant.

What happens to a lawyer who has been found guilty of professional misconduct?

The lawyer may receive one or more of the following sanctions, depending upon the severity of the case: 1) a reprimand, which may be public or private; 2) suspension from the practice of law, all or part of which may be probated; or 3) disbarment. Any public sanction an attorney receives for professional miscon-

duct will become a permanent part of the attorney's record.

Who do I contact if I have other questions about the disciplinary process?

If you have questions prior to filing a grievance, please call the Grievance Information Helpline at (800) 932-1900. If you have questions after you have filed a grievance, please call the CDC's office at (877)953-5535. ✦

This article is excerpted from *Attorney Complaint Information*, prepared as a public service by the State Bar of Texas. For a complete copy of the pamphlet, write to Public Information Department, State Bar of Texas, P.O. Box 12487, Austin 78711-2487; call (800)204-2222, ext. 1800; or visit www.texasbar.com.

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