



# COMPLAINTS AGAINST LAWYERS & HOW THEY ARE PROCESSED

438 Main Street, 6th floor,  
Buffalo NY, 14202  
(716) 852-8687

## ABOUT

This pamphlet has been prepared to assist you in filing a complaint of professional misconduct (“Grievance”) with the Bar Association of Erie County (“BAEC”) concerning an attorney who represents you. This pamphlet explains how to file a Grievance, what the Grievance should contain, and how a Grievance about your attorney is processed by the BAEC. The BAEC can review Grievances which involve the failure to adequately communicate with a client, minor delays in representing a client, personality conflicts, or other minor disputes. If you have already filed a Grievance, we ask that you read this pamphlet to better understand the procedure. If you are considering filing a Grievance, please read this pamphlet carefully to understand the process.

## GENERAL CONSIDERATIONS

All attorneys are required to uphold the law and are governed by rules of ethics known as the Rules of Professional Conduct (“Rules”). These Rules have been adopted by the Appellate Divisions of the New York State Supreme Court. An attorney who breaches these Rules may be subject to discipline, which, in some cases, could mean suspension or loss of the license to practice law. A complaint of professional misconduct is a serious matter and must be supported by evidence. You will be asked to substantiate your complaint with factual details and copies of any documents you feel are pertinent to your concerns about your attorney. If you believe that your complaint arises from a misunderstanding between you

and your attorney, we encourage you to have a candid talk with your attorney before filing a formal written Grievance. Tell the attorney of your dissatisfaction and ask for a full explanation of your concerns. Such a discussion will often solve the problem without a formal complaint. We encourage you to have such a discussion with your attorney when the problem first arises. If you are unable to resolve your concerns about your attorney, the BAEC has a process for

## FILING A COMPLAINT

You may obtain a Grievance Form on the BAEC’s website in the Public Services section or by calling the BAEC at (716) 852-8687.

To file a Grievance, complete the Grievance Form fully, including all of the following information:

1. Your name, address, email address and phone number.
2. The attorney’s name and address.
3. The specific facts or actions of your attorney which form the basis of the Grievance.
4. Copies of any letters, agreements, or documents which would be helpful in our review of your Grievance.

▶ Mail your original signed Grievance Form to the Bar Association of Erie County, 438 Main Street, 6th Floor, Buffalo, New York 14202. *An original signed Grievance Form is required. The BAEC cannot accept emailed or faxed Grievances.*

## REVIEW

Your Grievance form will be provided to the 8th District Attorney Grievance Committee (“AGC”) which will retain your Grievance for their review or ask the BAEC to review and resolve your complaint. You will be contacted by the AGC or the BAEC in writing regarding the disposition of your Grievance. If the BAEC is charged with reviewing your Grievance, your Grievance will be processed as soon as practicable. If you wish to inquire about the status of your Grievance, please call 716-852-8687 (ext 116).

Fair and just resolution of your concerns is our priority, and we appreciate your patience as we process your Grievance.

- If the BAEC is reviewing your Grievance, a member of the BAEC’s Committee on Grievances may contact you to request additional information.
- If the BAEC Committee on Grievances determines after their review that there is no merit to your Grievance, you will be advised in writing.
- If it is determined by the BAEC that your Grievance may constitute professional misconduct, the Grievance will be referred to AGC for further review. You will be advised if the BAEC refers your Grievance to AGC for further review.

Disciplinary proceedings related to the filing of a Grievance do not result in an

award of monetary damages to you. The BAEC cannot provide you with legal advice in connection with your claims of professional misconduct, and does not comment on an attorney’s advice, strategies, opinions, or the outcome of a legal matter.

## FEE DISPUTES

Attorneys and their clients sometimes disagree about the legal fees charged. Most fee disputes result from poor communication about services or misunderstanding about work needed or completed. Fee disputes usually do not involve a violation of the Rules of Professional Conduct. The BAEC offers a service to attorneys and their clients to resolve certain fee disputes through arbitration. You will be referred to that service to assist you in resolving differences with your attorney over fees due or paid. The BAEC cannot accept fee disputes involving the following:

1. Matters with fees totaling less than \$1000.00.
2. Matters involving criminal representation.
3. Matters where no legal services have been rendered for over two years.
4. Matters over which the court has jurisdiction to fix fees.
5. Matters involving substantial legal questions, including malpractice.

## BAEC VISION

To achieve excellence in the practice of law and pursuit of justice.

## BAEC MISSION

To serve our members by educating, pursuing justice, and fostering camaraderie, wellbeing, and belonging.

For more information about the BAEC, please visit [eriebar.org](http://eriebar.org)

The BAEC is an equal opportunity employer that is committed to diversity, equity, inclusion and belonging and prohibits unlawful discrimination in its employment and business practices.

## CONTACT US



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