

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

OFFICE OF BAR COUNSEL

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INSTRUCTIONS FOR ATTORNEY COMPLAINT FORM

Updated January 24, 2022

To Whom it May Concern:

In order to help us evaluate and process your complaint, please complete the Attorney Complaint Form. The Attorney Complaint Form is available on our website at www.mdcourts.gov/attygrievance/complaint.html. You may fill out the Attorney Complaint Form online prior to printing and mailing it to the Office of Bar Counsel. If you can't fill out the form online, download and print it before filling it out by hand. Complaints may also be submitted via email. You may obtain a copy of the Attorney Complaint Form by calling our office at (410) 514-7051.

Please read the following instructions as well as the enclosed "Frequently Asked Questions" prior to filling out the Attorney Complaint Form:

- Please provide your name, address, zip code, email address(es) (if available), and telephone numbers (home, cell, and work). Please note that we will communicate with you primarily by email.
- Be sure to give the full name, address, phone number, and email address (if available) of the attorney you are complaining about. If you wish to complain about more than one attorney, you must use a separate form for each attorney.
- If any of the blank spaces do not apply to your complaint, write N/A (not applicable).
- In response to Item (5), tell us about your complaint against the attorney. Tell us what the attorney did or failed to do that you believe may support investigation. We need to know the background of your case. Tell us in your own words what happened.
- Provide copies of any helpful documents. Send only copies and keep the originals. All documents you send, originals or copies, become the property of the Attorney Grievance Commission and are subject to future destruction. Please preserve all original documents in your possession. Examples of helpful documents include:
 - Written fee agreements
 - Proof of payments made (cancelled checks, receipts, etc.)

- Correspondence between you and the attorney
- Copies of relevant court filings
- Date and sign the form as well as any attachments.
- Mail all three pages along with any attachments and supporting documentation to the address on the top of the form or submit via email to complaints@agc.maryland.gov.

Our office now scans all materials, which include complaints and attorneys' responses. We ask that when you submit your complaint, please do not bind, staple, or insert tabbed dividers. If you wish to identify exhibits, please mark them in the bottom corner or insert identifiable sheets before each exhibit. Please do not place sticky notes on the documents you submit. Instead, write your remarks on a sheet of paper placed in front of the page on which you are commenting.

The Office of Bar Counsel will review your complaint to determine whether investigation is appropriate. You will be notified of our decision in writing. We correspond primarily via email. If you would like an update on your complaint, you must submit a **written request** via post or email.

The Court of Appeals of Maryland has adopted rules requiring that the filing and investigation of a complaint is confidential. The Commission requests that you protect the confidentiality of the system by not discussing your complaint or our investigation with others. Thank you for your cooperation.

Very truly yours,

Lydia E. Lawless

Lydia E. Lawless
Bar Counsel

Enclosure: (Frequently Asked Questions)

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND FREQUENTLY ASKED QUESTIONS

Updated January 24, 2022

What is the Attorney Grievance Commission?

All attorneys who practice law in Maryland must follow certain ethics rules called the Maryland Attorneys' Rules of Professional Conduct ("MARPC"). The Attorney Grievance Commission ("AGC"), through the Office of Bar Counsel, reviews complaints to determine whether investigation is warranted, investigates allegations of misconduct and, when appropriate, prosecutes attorneys for violations of the Rules of Professional Conduct.

Bar Counsel receives complaints from the public, judges and other attorneys about conduct that might violate the Rules. The Office of Bar Counsel reviews all complaints it receives to determine whether an attorney might have violated one or more Rules. If a Rule might have been violated, the Office of Bar Counsel investigates the situation.

What should I do if I am having problems with my attorney?

Clear and open communication is the key to maintaining a productive, positive relationship with your attorney.

To help avoid miscommunications you should:

- Come to meetings prepared;
- Clearly communicate your wishes and expectations;
- Establish and understand a fee arrangement at the beginning of your representation;
- Ask questions if you don't understand something;
- Disclose all information and background on your case; and
- Promptly discuss and resolve concerns with your attorney.

Similarly, you should expect your attorney to provide:

- An honest appraisal of the likelihood of the case's success;
- Prompt disclosure of alternative ways to resolve a matter;
- Copies of court documents and letters;
- A satisfactory explanation of your case's status at your request;
- Adequate and prompt attention to your case; and
- Reasonable and timely bills and descriptions of expenses.

If you are not satisfied with the service provided by your attorney, first try to resolve any issues by meeting or talking with the attorney. If you are having difficulty communicating with your attorney, document your calls to your attorney. Each time you call or email the attorney's office and leave a message, make a record of it.

If you don't receive a return call or email within a reasonable period of time, write a letter to the attorney, preferably with return receipt requested, requesting the attorney to contact you within a specified (reasonable) period of time.

If you believe that you have made a sincere effort to solve your problem, but you still believe that the attorney should be investigated for their conduct, you may file a complaint.

Should I file a complaint?

Allegations that an attorney has acted unethically are serious. Complaints should not be made lightly or to try to gain an advantage in your dealings with an attorney. Also, filing a complaint should not take the place of communicating with the attorney to attempt to resolve differences.

The disciplinary process will **NOT** serve to:

- Recover money;
- Set aside a criminal conviction;
- Make the attorney take action you wish the attorney to take;
- Provide legal advice;
- Offer other relief or assistance; or
- Substitute for other civil or criminal remedies.

Is there a charge for filing a complaint with the Attorney Grievance Commission?

No. There is no fee associated with the filing of a complaint.

Will the Office of Bar Counsel represent me in my complaint?

No. The Office of Bar Counsel does **not** represent you and cannot assist you in resolving ongoing legal problems. Bar Counsel cannot give you legal advice or perform legal services for you. Bar Counsel cannot appoint a new attorney for you or require your attorney to withdraw from your case.

You should consult another attorney to advise you of your rights, including potential legal recourse against the attorney about whom you have complained. **Any action for damages you may seek against an attorney should not wait until the resolution of the complaint.**

How do I file a complaint?

Your complaint must be in writing. You may fill out and return the Attorney Complaint Form or you may write a letter explaining the situation that you think indicates the attorney's unethical conduct.

If you need any more information about how to file a complaint, you may call the Office of Bar Counsel at (410) 514-7051. Please know that the Office of Bar Counsel cannot discuss the details of your complaint with you over the telephone.

What happens after I file a complaint?

Your written complaint will be reviewed by an attorney in the Office of Bar Counsel. If Bar Counsel concludes that a complaint is without merit, does not allege facts which, if true, would demonstrate either professional misconduct or incapacity, or is duplicative, Bar Counsel will decline the complaint and no further action will be taken.

If the complaint is not declined, Bar Counsel will, ordinarily, obtain a written response from the attorney who is the subject of the complaint and consider other appropriate information to assist in evaluating the merits of the complaint. If Bar Counsel determines, based upon such evaluation,

that an insufficient basis exists to demonstrate misconduct or incapacity or that the overall circumstances do not warrant investigation, Bar Counsel will close the file.

If the file is not closed, Bar Counsel will docket the complaint for further investigation and notify the complainant in writing of the procedures for investigating and processing the complaint. Bar Counsel will then conduct an investigation to determine whether reasonable grounds exist to support the allegations of the complaint. The complainant will be notified in writing about the outcome of the investigation.

Can I withdraw my complaint after it has been filed?

No. Once a complaint has been made against an attorney, Bar Counsel must make a determination as to whether the attorney engaged in unethical conduct. A complainant's unwillingness or failure to cooperate with Bar Counsel or a settlement or compromise made between the complainant and the attorney will not cause the complaint to be closed or dismissed.

Will I have to testify in court?

Maybe. If the AGC prosecutes allegations contained in your complaint, you may be required to testify in court in order to prove charges against the attorney.

Will the attorney find out that I filed a complaint?

Yes. Usually, if the complaint has not been declined by Bar Counsel, the attorney receives a copy of any complaint that has been filed against them.

What happens if it is determined, after Bar Counsel's investigation, that an attorney violated the Rules of Professional Conduct?

If an attorney is found to have violated the Rules, one of the following dispositions may result, depending on the seriousness of the violation(s) and other factors:

- The attorney may be placed on disability inactive status;
- The attorney may enter into a Conditional Diversion Agreement with or without a reprimand;
- The attorney may receive a letter of cautionary advice or letter of admonition from the AGC; or
- The attorney may receive a reprimand from the AGC or the Court of Appeals; or
- The attorney may be suspended from the practice of law with or without a term of probation; or
- The attorney may be disbarred.

What happens if it is determined, after Bar Counsel's investigation, that an attorney did not violate the Rules of Professional Conduct?

The complaint will be dismissed.

Why was my complaint dismissed?

Bar Counsel pursues complaints against attorneys when there is a substantial basis to conclude that the Rules of Professional Conduct have been violated. The determination to pursue a complaint may involve a number of factors including the seriousness of the violation(s) and an assessment of the likelihood of proving the alleged misconduct.

The AGC must establish an attorney's misconduct at trial by clear and convincing evidence. Clear and convincing is a standard of proof that is greater than a preponderance of the evidence and less than beyond a reasonable doubt. When those conditions cannot be met, the complaint cannot be pursued.

How long will it take for Bar Counsel to conclude its investigation and/or prosecution of my complaint?

It depends. Bar Counsel and the Attorney Grievance Commission make every effort to ensure complaints are processed, investigated, and prosecuted in a timely manner. Depending on the circumstances of your complaint, it could take anywhere from one month to several years for a final determination.

Can I appeal the final determination of Bar Counsel or the AGC?

No. The decisions of Bar Counsel and the Attorney Grievance Commission are final.

Will I get my documents and papers back that I send to the Office of Bar Counsel?

No.

Can I find out about prior complaints against an attorney?

No. All complaints – either pending or dismissed—are private and confidential. You can, however, be told if the attorney has received a reprimand, or has been suspended or disbarred.

Can Bar Counsel help me get my money or files returned?

No. Although an attorney's refusal to return money or files may be the basis for discipline which should be reported, the AGC cannot force an attorney to return money or files to a client or a former client. You should discuss these questions with another attorney.

You may contact the Maryland State Bar Association's Committee on Resolution of Fee Disputes at (410) 685-7878 or www.msba.org/departments/administration/fee-disputes.aspx. The Committee is a public service for clients who have a fee dispute with their attorney.

If you believe an attorney has stolen your funds, you may contact the Client Protection Fund of the Bar of Maryland at (410) 630-8140 or www.courts.state.md.us/cpf/.

What will happen to the case my attorney was handling?

The AGC does not represent clients, and it cannot assist in any type of litigation. You may need to seek the services of another attorney who can assist you with your ongoing legal matter.

Can the AGC refer me to an attorney?

No. The AGC is prohibited from giving attorney referrals. You may contact the Maryland State Bar Association's Lawyer Referral Services at (410) 685-7878 or www.msba.org/public/lawyer-referral.aspx.

Where can I find the Maryland Attorneys' Rules of Professional Conduct?

The Maryland Attorneys' Rules of Professional Conduct are available only courtesy of Westlaw on our website: <https://www.courts.state.md.us/attygrievance/rules>.