

# Wyoming Office of Bar Counsel

## Complaint Before the Board of Professional Responsibility

The Office of Bar Counsel, working to maintain high ethical standards in the legal profession, has established a system of reviewing complaints against lawyers for unethical conduct. The system is funded wholly from Bar license fees paid annually by Wyoming attorneys. The following information will help explain the grievance process.

### How are lawyers disciplined?

If a lawyer is found to have violated an ethical rule, one of the following levels of discipline may be imposed:

- The lawyer could receive a **private reprimand**, which means the lawyer is told he or she has broken a rule, and a notation is made on the lawyer's record; or
- The lawyer could receive a **public censure** which means that the violation of a rule by the lawyer is made public; or
- The lawyer's license to practice law could be **suspended** for up to 3 years, during which time the lawyer cannot practice law; or
- The lawyer's license could be revoked, which means the lawyer is **disbarred** from the practice of law. After five years, the lawyer could seek reinstatement.

### Should you file a complaint?

Charges that a lawyer has acted unethically are serious. A complaint should not be made lightly or to try to gain an advantage in your dealings with a lawyer. We usually will delay action on a grievance form if there is pending litigation. Also, filing a complaint should not take the place of communicating with the lawyer to attempt to resolve differences.

As your problem might be the result of some misunderstanding or breakdown in communication with your lawyer, the problem may be resolved by a frank talk. Tell your lawyer why you are dissatisfied and ask for a full explanation of what is bothering you.

If you believe that you have made a sincere effort to solve your problem, but you still believe that the lawyer should be disciplined for his or her conduct, you may file a complaint.

If the lawyer is found to have violated an ethical rule, the Board of Professional Responsibility will discipline the attorney or recommend discipline to the Wyoming Supreme Court. However, for an attorney to be disciplined, the Wyoming Rules of Disciplinary Procedure require that there be "clear and convincing evidence" that the attorney has violated ethical rules. This is a high standard of proof, similar to the proof "beyond a reasonable doubt" that is required for criminal convictions.

However, the disciplinary process will **NOT** serve to:

- recover money damages;
- set aside a criminal conviction;
- make the lawyer take action you wish him or her to take;
- provide legal advice;
- offer other relief or assistance;
- substitute for other civil remedies, such as legal malpractice lawsuits; or
- substitute for criminal remedies.

Some complaints become public if a formal charge is brought against the respondent lawyer. If this matter becomes public, most information on the complaint form (including your name) will also become public. Additionally, the complaint form and any other submissions by you will be sent to the respondent lawyer. By submitting a complaint form, you are waiving attorney-client privilege to the extent that the attorney must reveal information that would otherwise remain confidential to defend him/herself. If a formal charge is filed, or public discipline imposed, that information may also become available to the public.

### **What the complaint process CANNOT address**

Not all complaints about an attorney are subject to review through the Bar's disciplinary process. Some problems with lawyers will need to be addressed in other ways. For example, the Office of Bar Counsel will not open disciplinary cases on:

- **Complaints about a lawyer's fee.**

If you cannot resolve a fee dispute with your lawyer, you may request that the dispute be decided by the Fee Arbitration Committee. For a copy of the fee arbitration petition, you may request them from the Wyoming State Bar Office by calling (307) 432-2104 or you may print a copy from our website.

- **Dissatisfaction with the quality of a lawyer's advice or strategy.**

The Office of Bar Counsel does not investigate or discipline a lawyer solely on the quality of the lawyer's advice, strategy, or outcome of the case. A lawyer, however, may be investigated or disciplined for certain serious situations, such as missing deadlines, failing to file required documents, or abandoning a client's case.

If you believe that your lawyer represented you poorly, your remedy may be to file a civil malpractice action, or, in a criminal case, a petition for a writ of habeas corpus, which addresses claims of ineffective assistance of counsel. These cases must be filed in a court of law, not with the Office of Bar Counsel.

- **Rude behavior by an attorney.**

- **Complaints about judges in their judicial capacity.**

Complaints about judges are handled by the Commission on Judicial Conduct and Ethics, Attn: Wendy Soto, Executive Director, P.O. Box 2645, Cheyenne, WY 82003, (307) 778-7792 or you may obtain further information on our website.

- **Allegations that a guilty plea in a criminal case was not voluntary, unless the guilty plea has been overturned by a court.**

- **Allegations that a prosecutor prosecuted the wrong person or failed to prosecute a case.**

- **Civil disputes with a lawyer, such as the lawyer's failure to pay a bill to someone who has provided goods or services directly to the lawyer, unless it appears that the lawyer improperly handled client funds. These matters should be handled through the civil justice system if they cannot be resolved informally with the lawyer.**

### **What happens after my complaint is filed?**

If you choose to file a complaint, it is imperative that you provide complete and accurate information so that we can determine whether to pursue your complaint. To that end, you must verify the truthfulness of your complaint before submitting the complaint. Please be advised that if the Office of Bar Counsel determines that the complaint contains a false statement, the complaint may be immediately dismissed.

When a complaint is received, it is reviewed by Bar Counsel to determine if a violation of the Rules of Professional Conduct is stated. You will receive a letter from Bar Counsel informing you that (1) the complaint does not appear to involve conduct that is within the disciplinary jurisdiction of the Bar; (2) more information is needed; or (3) an investigation has been initiated. If an investigation is initiated, the attorney will receive a copy of your complaint letter and he/she is required to respond in writing to the allegations. Normally, you will receive a copy of the attorney's response and will be requested to reply to it. **Whether or not an investigation is initiated, you should expect that the attorney will receive a copy of your complaint and supporting documents.**

### **Confidentiality**

By order of the Wyoming Supreme Court, the Office of Bar Counsel's investigation of a complaint against a lawyer is confidential unless and until a formal disciplinary charge is filed. The investigation may be hindered if the complaint and resulting investigation are improperly made public. Just as lawyers are required to follow certain rules of professional conduct, parties to the grievance process are required to abide by Court rules governing this process.

You will be informed if a formal disciplinary charge is filed. To file a formal charge, the Office of Bar Counsel must have clear and convincing evidence of professional misconduct by the lawyer. This requires a thorough investigation. Unless and until a formal disciplinary charge is filed, you may not discuss this grievance or any information you learn during this process with anyone who is not a party to this grievance.

### **Filing the Complaint Form (attached)**

Mail the **original complaint form, signed and dated**, along with copies of any supporting documents. **Do not send original documents as they cannot be returned.**

**Mail to:** Office of Bar Counsel, P.O. Box 109, Cheyenne, WY 82003-0109.  
Questions? Contact Shannon Hughes at [\(307\) 432-2104](tel:3074322104).

# Wyoming Office of Bar Counsel

## Complaint Before the Board of Professional Responsibility

Person filing this complaint:

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Daytime Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_

Attorney you are filing this complaint against:

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Daytime Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_

If you have complaints regarding more than one attorney, please complete a separate form for each.

Please answer the following questions:

1. Did or does this attorney represent you?                      Yes                      No
2. If yes, when did you hire this attorney? \_\_\_\_\_
3. If no, whom does this attorney represent? \_\_\_\_\_
4. What type of legal work was/is involved? (Check more than one if appropriate.)  

<input type="checkbox"/> Real Estate	<input type="checkbox"/> Personal Injury
<input type="checkbox"/> Family Law/Divorce	<input type="checkbox"/> Criminal Law
<input type="checkbox"/> Corporate/Commercial	<input type="checkbox"/> Wills/Estates/Probate
<input type="checkbox"/> Other (please specify) _____	
5. Is your complaint about an ongoing court case?                       Yes                       No  
Please give name of Court and Judge \_\_\_\_\_  
Docket No. \_\_\_\_\_
6. What is the general nature of your complaint? (Check more than one if appropriate.)  

<input type="checkbox"/> Delay or Lack of Diligence	<input type="checkbox"/> Not keeping you informed of progress on your case
<input type="checkbox"/> Failing to answer letters and telephone calls	<input type="checkbox"/> Giving bad advice or failing to complete work properly
<input type="checkbox"/> Refusing to return your files, papers	<input type="checkbox"/> Not following instructions
<input type="checkbox"/> Conflict of interest	<input type="checkbox"/> Other (please specify) _____
<input type="checkbox"/> Improper handling of your money or property	
7. Is the matter finished?                       Yes                       No  
(In either case, please provide supporting information on the next page.)
8. Have you tried to discuss your complaint with your attorney?                       Yes                       No  
(In either case, please provide supporting information on the next page.)
9. What do you hope to see happen as a result of your complaint? \_\_\_\_\_

State what the attorney did or failed to do which may be unethical. State all relevant FACTS including dates, times, places and names and addresses of important witnesses. Attach copies of important letters and documents. DO NOT send original documents as they cannot be returned.

PLEASE NOTE: A copy of this complaint and any attachments will be provided to the attorney against whom you are filing the complaint. You must sign and date this complaint on the next page

CONFIDENTIALITY AND VERIFICATION OF COMPLAINT

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You will be informed if a formal disciplinary charge is filed. In order to file a formal charge, the Office of Bar Counsel must have clear and convincing evidence of professional misconduct by the lawyer. This requires a thorough investigation. Unless and until a formal disciplinary charge is filed, you may not discuss this grievance or any information you learn during this process with anyone who is not a party to this grievance.

Thank you for understanding the importance of maintaining confidentiality. Please understand that if you do not abide by this requirement, your complaint may be dismissed.

Please sign the following Verification of Complaint. Without a signature, your complaint will not be processed. Please be advised that if the Office of Bar Counsel determines that the complaint contains a false statement, the complaint may be dismissed.

OFFICE OF BAR COUNSEL  
VERIFICATION OF COMPLAINT

I, \_\_\_\_\_, the undersigned, do hereby swear or affirm, under penalty of perjury, that the information contained in the attached \_\_\_\_\_ pages is a true, accurate and complete statement of the facts supporting my complaint to the Office of Bar Counsel.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

Return this form to: Office of Bar Counsel, P.O. Box 109, Cheyenne, WY 82003-0109