



Office of Bar Counsel

525 West Jefferson P. O. Box 895 Boise, Idaho 83701

(208) 334-4500 Fax: (208) 334-2764

www.isb.idaho.gov

IDAHO STATE BAR - GRIEVANCE PROCEDURE

Under Idaho Bar Commission Rule 504, Bar Counsel investigates all grievances alleging professional misconduct by Idaho attorneys. An individual who believes that an Idaho attorney has engaged in conduct that violated the Idaho Rules of Professional Conduct may file a grievance on a form provided by Bar Counsel. Upon receipt of the written grievance, Bar Counsel will conduct an investigation to determine whether *clear and convincing evidence* of professional misconduct under the Idaho Rules of Professional Conduct has been established. Clear and convincing evidence is a high standard of proof requiring substantial corroboration to establish facts otherwise disputed. The time needed to investigate a grievance varies depending on the complexity of the case and the number of grievances currently under review. By Idaho Supreme Court rule, all investigations of grievances are confidential.

If Bar Counsel determines during the initial investigation that the grievance allegations are not supported by clear and convincing evidence, or are beyond the purview of the Idaho Rules of Professional Conduct, the grievance may be dismissed. If Bar Counsel determines that there is possible merit to the grievance allegations, the attorney against whom the grievance has been filed may be asked to respond to some or all of the allegations. After receiving the attorney's response and conducting additional investigation, Bar Counsel will determine whether clear and convincing evidence of professional misconduct has been established.

Upon completion of an investigation, Bar Counsel issues a written disposition. If clear and convincing evidence of a violation of the Idaho Rules of Professional Conduct is not established, the grievance will be dismissed and the grievant will be notified of that decision in writing. If Bar Counsel finds sufficient clear and convincing evidence of a violation, an informal admonition or private reprimand may be imposed and both the grievant and attorney will be notified of that decision in writing. In the case of more serious misconduct, Bar Counsel may file formal charges seeking the imposition of sanctions ranging from a public reprimand to disbarment. All dispositions remain confidential until such time, if any, a formal charge Complaint is filed.

The investigation and disposition process may take several months or more to complete. All grievances are handled on a first-come, first-served basis. Cases that are complex or involve formal charges will take longer. Bar Counsel receives an average of 500 grievances annually, and the investigation and disposition process can be time-consuming. While every effort is made to ensure that grievances are handled as quickly and thoroughly as possible, we appreciate your patience and assistance during this process.



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PLEASE READ BEFORE FILING A GRIEVANCE

FREQUENTLY ASKED QUESTIONS

1. What is the Idaho State Bar?

The Idaho State Bar is the administrative agency of the judicial branch of the State of Idaho. The membership of the Idaho State Bar consists of all attorneys licensed to practice law in Idaho. Bar Counsel is the disciplinary counsel for the Idaho State Bar.

2. How do I file a grievance against an attorney?

You may submit a grievance on the attached grievance form, together with any additional materials you believe are relevant to the allegations of professional misconduct, to: Idaho State Bar, Office of Bar Counsel, P.O. Box 895, Boise, ID 83701.

3. What are the Idaho Rules of Professional Conduct?

The Idaho Rules of Professional Conduct, as adopted by the Idaho Supreme Court, are the rules governing the professional conduct of attorneys in the State of Idaho. The Rules are available on the Idaho State Bar website: www.isb.idaho.gov.

4. What constitutes professional misconduct by an Idaho attorney?

Professional misconduct is any violation of the Idaho Rules of Professional Conduct which may include, but is not limited to: improper use of trust account funds, a conflict of interest, lack of diligence, and failure to reasonably communicate with a client. An attorney's strategy in handling a particular case, unless such strategy involves a violation of the Idaho Rules of Professional Conduct, does not by itself constitute professional misconduct.

5. Is my grievance confidential?

Bar Counsel's investigation of grievances is confidential by Idaho Supreme Court rule. The purpose of such confidentiality is to: (1) protect confidential communications between the attorney and client; (2) allow the investigation to be conducted in a fair and objective manner; and (3) prevent unfair publicity about the attorney or grievant. However, as part of any investigation, Bar Counsel may forward to the responding attorney a copy of the grievance and request a response. If Bar Counsel files formal charges based on alleged misconduct, the grievance may become a public record.

6. What will the Idaho State Bar do with my grievance?

Bar Counsel reviews all grievances received to determine if there has been any violation of the Idaho Rules of Professional Conduct. If an initial investigation fails to establish clear and convincing evidence of professional misconduct, the grievance will be dismissed and you will receive a written disposition explaining the dismissal. If an initial investigation raises possible issues about the attorney's conduct or requires additional information, the attorney against whom



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the grievance has been filed may be asked to respond to some or all of the grievance allegations. If the additional investigation does not establish clear and convincing evidence of a violation of the Idaho Rules of Professional Conduct, the grievance will be dismissed and you will receive a written disposition explaining the dismissal. Both the investigation and disposition remain confidential by Idaho Supreme Court rule.

If Bar Counsel finds sufficient clear and convincing evidence of a violation of the Idaho Rules of Professional Conduct, the attorney may receive an informal admonition or private reprimand or, if appropriate, formal charges may be filed. If an informal admonition or private reprimand is imposed, you and the attorney will be informed of that disposition in writing. Both the sanction and disposition remain confidential by Idaho Supreme Court rule. If a formal charge Complaint is filed, the allegations become a matter of public record and we will keep you apprised of the progress of the case and its resolution.

7. Can I appeal Bar Counsel's disposition of my grievance?

Yes. A grievant or the responding attorney may file a written request for review of Bar Counsel's disposition by a Hearing Committee of the Professional Conduct Board. The Hearing Committee consists of two lawyers and one nonlawyer. A written request for review, stating the reasons for the request, must be filed within 14 days of receipt of the disposition to the Clerk of the Professional Conduct Board, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701.

8. Does the Idaho State Bar have jurisdiction over my legal matters?

No. The jurisdiction of the Idaho State Bar is limited to the review of possible violations of the Idaho Rules of Professional Conduct. We do not handle matters involving legal malpractice and cannot answer legal questions or provide you with legal advice. If you feel that you have been monetarily damaged by your attorney's actions or that you may have some other legal recourse, you should consider discussing the matter with private legal counsel. **DO NOT WAIT UNTIL A DISPOSITION IN THE DISCIPLINARY MATTER HAS BEEN ISSUED BEFORE TAKING ANY LEGAL ACTION YOU DEEM NECESSARY.** The Idaho State Bar cannot represent your individual interests in any matter or become involved in any legal matter that might relate to your grievance. The investigation and disposition process are confidential and cannot be used in any other proceeding.

9. Can I file a grievance against a judge with Bar Counsel?

No. Complaints against judges must be filed with the Idaho Judicial Council. That complaint form is available at <http://www.judicialcouncil.idaho.gov/> or by contacting the Idaho Judicial Council, P.O. Box 1397, Boise, ID 83701-1397.

10. Can I file a grievance against more than one attorney?

Yes. You can file multiple grievances, but each grievance is a separate confidential matter and you must file a separate grievance form naming each individual attorney.



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11. How long will it take to resolve my grievance?

Each case varies depending on its complexity and the number of other grievances currently under review. We make every effort to ensure that each grievance is handled as quickly and thoroughly as possible.

12. What if I feel that my attorney's fees are too high?

There is no "standard fee" for a particular type of case. Fees vary depending upon factors including the complexity of the case and the attorney's experience. If you feel that your attorney's fees are too high, you may wish to submit the fee dispute to the Idaho State Bar's free fee arbitration process. Please contact our office for more information on the fee arbitration process or request the applicable forms on our website: www.isb.idaho.gov.

To file a grievance against an attorney, please complete and sign the attached Grievance Cover Sheet (only one attorney per grievance). You may also submit a typed grievance attached to the Grievance Cover Sheet.

For more information concerning the Idaho State Bar, visit our website at: www.isb.idaho.gov. All forms may be downloaded in PDF format.

PLEASE INCLUDE IN YOUR GRIEVANCE THE FOLLOWING:

1. A brief narrative of the nature of the case and the attorney against whom you are filing the grievance. If you are complaining about more than one attorney, you must complete a separate grievance form for each attorney.
2. A chronological account of the events, actions and/or discussions between you and the attorney that you believe establish professional misconduct.
3. Copies of any letters, fee agreements, court filings or other documents that you believe support the allegations of professional misconduct.
4. If applicable, a statement of whether you have attempted to resolve the matter by contacting the attorney directly.



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GRIEVANCE COVER SHEET
(Please read the attached information before completing)

Date: _____

Your Name: _____
Please Print Legibly

Mailing Address: _____
Street or Box No. City State Zip

Home Phone: _____ Work Phone: _____ May we call you at work? _____

Email Address: _____

Attorney's Name: _____

Name of attorney this grievance is directed against

(If you are complaining about more than one attorney, copy this grievance form and complete a separate grievance for each attorney. We must have the name of the individual attorney to process your grievance.)

Mailing Address: _____
Street or Box No. City State Zip

Date You Hired Attorney: _____
(IF APPLICABLE)

Amount Initially Paid Attorney? _____ Total Amount Paid? _____
(IF APPLICABLE)

Did You Sign a Fee or Retainer Agreement? _____
(IF APPLICABLE, PLEASE INCLUDE A COPY OF THE AGREEMENT)

Do You Presently Owe The Attorney Any Fees? _____
(IF APPLICABLE)

Type Of Legal Problem Attorney Was Hired To Handle: _____
(IF APPLICABLE)

FOR OFFICE USE ONLY

Intake Number: 19 -
District & A#: ()

