

WORKSHEET S
INTRODUCTION TO THE GRIEVANCE PROCESS

Worksheet S is intended to facilitate a discussion about the grievance process and a lawyer's duty to cooperate with a disciplinary investigation.

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- Share with your mentee an overview of the disciplinary process, including how complaints are initiated, who may file a complaint against an attorney, with whom they are filed, what happens during an investigation, what to expect if a formal complaint is filed by the disciplinary agency, what types of discipline can be imposed in Ohio, etc. See the attached Disciplinary Process explanation and chart.
- Discuss a lawyer's obligation to assist in a disciplinary investigation. See Gov. Bar R. V(4)(G).
- Discuss whether you should, and the best time to, obtain an attorney as your counsel in a disciplinary investigation against you.
- Discuss the effect a grievance filed against you by your client has on your attorney-client relationship, including the following:
 - Do you have a duty to withdraw as counsel?
 - If so, what steps should be taken to do so?
 - What obligation do you have to protect your client's interests if your client indicates in the grievance that they wish to discharge you but there is a hearing or statute of limitations or other deadline approaching in their case?
 - Is it appropriate to communicate directly with your client to resolve the grievance, especially if it was a result of simple miscommunication?
- Discuss the propriety of resolving a grievance with your client and how doing so affects (if at all) your obligation to cooperate with the disciplinary authority. See Prof. Cond. Rule 1.8 and Gov. Bar R. V(4)(G).
- Discuss when you have an obligation to report another attorney's misconduct to a disciplinary authority. See Prof. Cond. Rules 8.3 and 8.4.