

The VSB is unable to pursue many complaints because the situations they involve do not fit within any ethics rules. Please read the section entitled “What the Disciplinary Process Cannot Do.”

Intake Office decisions not to pursue a complaint may be reviewed by Bar Counsel and are randomly reviewed by a supervisory committee composed of attorneys and members of the public.

- **Some complaints are opened to gather more information.**

If your complaint does state a situation in which an ethics rule might have been violated, you and the lawyer about whom you inquired will be notified that we have opened an active complaint file. A staff attorney in the Office of Bar Counsel will be assigned to the case.

The processing of most complaints at this stage can take anywhere from two months to a year, depending on the complexity of the situation. If your complaint is opened as an active complaint file, you will receive information from the staff attorney explaining more about that process.

- **You will be notified in writing about the outcome of our investigation.**

### Confidentiality

The Virginia Supreme Court has adopted rules requiring that the attorney disciplinary process be confidential unless the lawyer receives public discipline (admonition, public reprimand, suspension or revocation) or a matter is scheduled on the bar’s public hearing docket maintained by the Clerk of the Disciplinary System. The confidentiality requirement means that the bar cannot and will not discuss your complaint with anyone except you, the lawyer about whom you inquire, people who might have information about your complaint, and other persons within the attorney disciplinary system. The VSB requests that you protect the confidentiality of the system by not discussing your complaint or our investigation with others.

However, the confidentiality requirement will not protect you from a civil lawsuit by a lawyer who believes he or she has been wrongly accused. Virginia law controls this aspect

of complaints against lawyers, and the VSB has no control over it. If you have concerns about this area of the law, you should consult a private lawyer for advice.

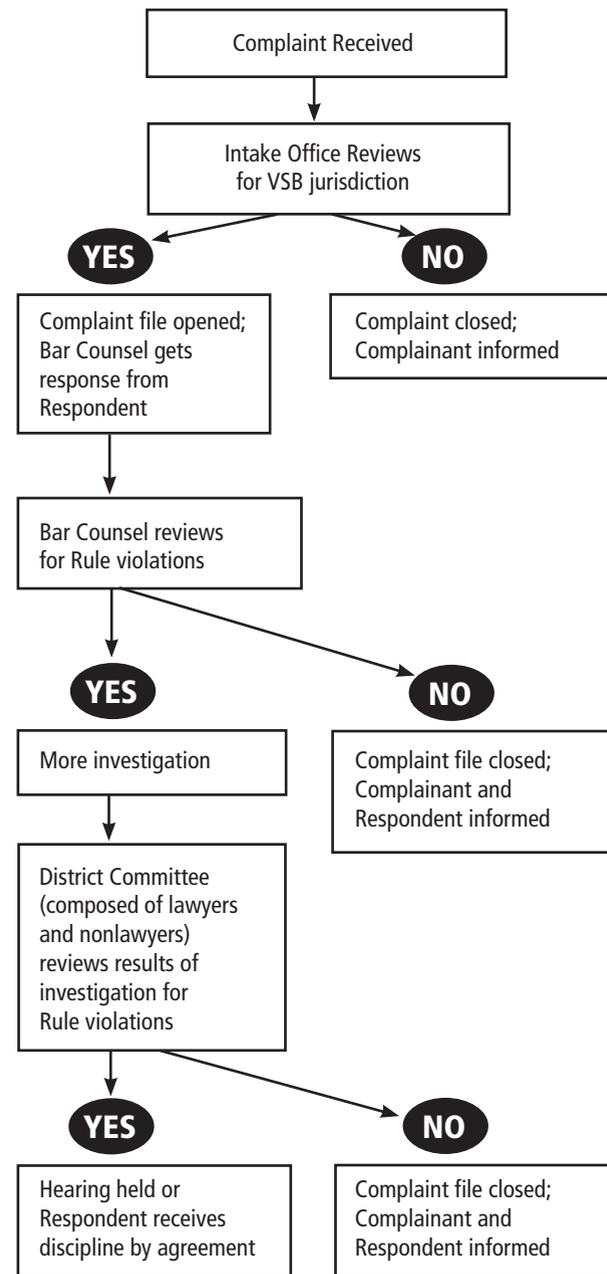
The diagram on the following page briefly explains how an complaint is processed.



Prepared by:  
Intake Office  
Office of Bar Counsel  
Virginia State Bar  
1111 East Main Street, Suite 700  
Richmond, VA 23219-0026  
(804) 775-0570  
TDD/Voice Line (Hearing-Impaired): (804) 775-0502  
Callers outside of the 804 area code may dial toll-free  
1-866-548-0873.

For more information, please visit our website at [www.vsb.org](http://www.vsb.org).  
If you have a fee dispute, please see  
[www.vsb.org/site/public/fee-dispute-resolution-program](http://www.vsb.org/site/public/fee-dispute-resolution-program).

### How Complaints About Lawyers Are Handled



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Telecommunication Device for the Deaf/TDD  
(Hearing-Impaired Only): (804) 775-0502

## VIRGINIA STATE BAR



# Complaints About Lawyers

This brochure will tell you about the Virginia State Bar attorney disciplinary process and how you can make a misconduct complaint.

To **download a complaint form** or print more copies of this pamphlet, please visit [www.vsb.org](http://www.vsb.org).

The Virginia State Bar is genuinely concerned with your complaint. It will receive our full attention and be resolved as quickly as possible. We appreciate your concerns and value your assistance in our regulation of Virginia lawyers.

Besides the staff of the Virginia State Bar, the disciplinary system involves lawyers and members of the public who volunteer their time to serve the public interest and preserve the integrity of the legal system.

## How are lawyers disciplined?

All lawyers who practice law in Virginia must be members of the Virginia State Bar (VSB). Lawyers must follow certain ethics rules called the Virginia Rules of Professional Conduct. The VSB enforces those ethics rules and disciplines lawyers who violate them.

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

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

- The lawyer could receive an **admonition or reprimand**, which means the lawyer is told he or she has broken a rule, and a notation is made on the lawyer's VSB record; or
- The lawyer's license to practice law could be **suspended** for up to 5 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.

## Should you make a complaint?

Charges that a lawyer has acted unethically are serious. Complaints should not be made lightly or to try to gain an advantage in your dealings with a lawyer. Also, filing an 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

solved 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 make an complaint. If the lawyer is found to have violated an ethics rule, the bar will discipline him or her. 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; or
- substitute for other civil or criminal remedies.

## What the attorney disciplinary process cannot do

The VSB recognizes that people have many kinds of dealings with lawyers, but not all those situations 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 VSB 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 a Circuit Committee on the Resolution of Fee Disputes. These committees were established around Virginia to provide a prompt and binding resolution to a dispute over a fee charged or collected.

For a referral or a copy of the program rules, contact the Fee Dispute Resolution Coordinator at (804) 775-9423, or visit [www.vsb.org/site/public/fee-dispute-resolution-program](http://www.vsb.org/site/public/fee-dispute-resolution-program).

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

This applies to civil and criminal cases. The VSB does not investigate or discipline a lawyer solely on the quality of the lawyer's advice or strategy. However, a lawyer may be

investigated or disciplined for certain serious situations, such as missing important 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 Virginia State Bar. The Virginia State Bar cannot advise you on the chance of success of any such cases.

- **Rude behavior by an attorney.**

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

Complaints about state court judges are handled by the Judicial Complaint and Review Commission at P.O. Box 367, Richmond, Virginia, 23218-0367, telephone (804) 786-6636. For information about making an complaint about a federal court judge, contact: Clerk, U.S. Court of Appeals for the Fourth Circuit, 1100 East Main Street, Room 501, Richmond, VA 23219-3517, telephone (804) 916-2700.

- **Complaints that lawyers acting as guardians ad litem or Commissioners in Chancery have taken positions with which you disagree.**

Such complaints should be voiced to the Circuit Court judge that appointed the guardian ad litem or Commissioner in Chancery, as these persons report directly to the court and not to any particular client.

- **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.

## How to make an complaint

**YOUR Complaint MUST BE IN WRITING.** You may submit an complaint on an Complaint Form available through the Intake Office of the Virginia State Bar, or you may write a simple letter explaining the situation that you think indicates a lawyer's unethical behavior. You may submit an complaint online by clicking [www.vsb.org/site/regulation/inquiry](http://www.vsb.org/site/regulation/inquiry). **NO SPECIAL LANGUAGE OR FORM IS NECESSARY.** However, the letter or complaint form **MUST** contain:

- Your full name, address and telephone numbers;
- The lawyer's full name and address. We cannot accept complaints about law firms, only individual lawyers;
- A brief but complete description of the facts explaining your situation; and
- Your signature.

If you need any more information about what is required to make an complaint, you may call the Intake Office of the VSB at (804) 775-0570. Callers outside the 804 area code may dial toll free 1-866-548-0873. Because of the volume of business the Intake Office conducts, you may reach a recording, in which case you should leave your name and address and the specific information you request. If you need an oral answer to your question, please leave a message with your complete telephone number (including area code) and the question you would like answered. **However, please bear in mind that the Intake Office cannot discuss the details of your complaint with you over the telephone.**

## What happens after you make an complaint

- **The Intake Office reviews all complaints.**

The Intake Office, staffed by lawyers and assistants, will carefully analyze your complaint. If the VSB decides that your complaint does not fit within the areas we regulate, no further action will be taken and you will be notified in writing. This decision is usually made within several weeks after we receive your complaint.