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OC DEPUTY PUBLIC DEFENDERS

OC TRIAL LAWYERS ASSOC.

OC WOMEN LAWYERS ASSOC.

To Whom it May Concern:

Per your request, enclosed you will find a Complaint Form to file a formal complaint against your Orange County attorney. If you did not hire the attorney for legal representation, please contact the State Bar of California at 1149 S. Hill Street, Los Angeles, California 90015, #213/765-1000. Our office can only investigate *your* Orange County attorney!

**Please carefully read both sides of the Complaint Form before completing the form.**

Please note that if you have already filed a State Bar of California complaint or intend to file during our investigation process, it will be necessary for our office to halt your complaint investigation and close the file. Since our office refers possible ethical violation cases to the State Bar, and if the State Bar is already aware of your complaint, our investigative efforts will be redundant and we must close the OCBA complaint case.

Upon filing your complaint form, our office will notify the attorney that a complaint has been filed. The attorney will receive a copy of the complaint. We will request that the attorney respond in writing to your complaint. You will receive a copy of any communications we receive from the attorney and vice versa.

The average complaint investigation takes from three to six months. Please be advised, however, that depending on the circumstances of your case, the process may take longer.

If you are complaining about your attorney's legal fees, please contact the Mandatory Fee Arbitration Program to obtain forms for fee arbitration. A complaint and a fee dispute are handled as two separate matters with two separate results. The filing of the complaint will not resolve any fee dispute issues you may have with the attorney.

Again, please carefully read the Complaint Form before filing. If you have any further questions, please contact the Client Services Department at 949/440-6700. Thank you.

Sincerely,

ORANGE COUNTY BAR ASSOCIATION  
CLIENT SERVICES DEPARTMENT

P.O. BOX 6130  
NEWPORT BEACH, CA 92658  
TELEPHONE 949/440-6700  
FACSIMILE 949/440-6710  
WWW.OCBAR.ORG

## **NOTICE TO PERSONS FILING COMPLAINT ABOUT AN ATTORNEY**

The function of the Client Relations Committee is to investigate a client's Complaint and evaluate whether it should be referred to the State Bar of California for possible discipline of the attorney. This evaluation process takes an average of three to six months. On occasion, the Committee may assist in resolving communications between attorney and client but is under no duty to become involved in transactions between attorney and client or the dispute for which the attorney was retained.

The Client Relations Committee **does not** provide legal advice to clients, **does not** take any steps to pursue civil or criminal action against an attorney, **does not** take any steps to recover monetary damages from attorneys and **does not** handle damages for malpractice. Investigation of a Complaint by the Client Relations Committee **will not stop** the running of any Statute of Limitations as to conduct by the attorney in the matter complained of or any other matter. If you believe you have a civil cause of action against the attorney, you should promptly consult with your own counsel.

**ORANGE COUNTY BAR ASSOCIATION  
CLIENT RELATIONS COMMITTEE COMPLAINT FORM**

PLEASE READ INSTRUCTIONS ON THE OTHER SIDE BEFORE FILLING IN THIS FORM.  
PLEASE TYPE OR PRINT:

1. State your name: \_\_\_\_\_  
State your complete address: \_\_\_\_\_  
\_\_\_\_\_ Telephone #: Area( ) \_\_\_\_\_

2. State the name of the attorney about whom you are complaining: \_\_\_\_\_  
Attorney's address: \_\_\_\_\_  
\_\_\_\_\_ Attorney's phone #: Area( ) \_\_\_\_\_

3. Was the attorney hired to represent you? Yes \_\_\_\_\_ No \_\_\_\_\_  
**(This committee can only investigate if you hired this attorney.)**

a. When was the attorney hired to represent you? \_\_\_\_\_

b. Does the attorney still represent you? Yes \_\_\_\_\_ No \_\_\_\_\_

c. How much have you paid the attorney to date? \_\_\_\_\_

d. Is the attorney holding money for you? \_\_\_\_\_ If so what amount? \_\_\_\_\_

e. Were you referred to this attorney by the Orange County Bar Association's Lawyer Referral & Information Service? Yes \_\_\_\_\_ No \_\_\_\_\_

4. Is your complaint about a lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes" state the following information about the lawsuit:

a. Name of Court (Superior or Municipal) and County: \_\_\_\_\_

b. What type of case was it? \_\_\_\_\_

c. Title of case (for example, Smith vs. Jones): \_\_\_\_\_

d. Case number: \_\_\_\_\_ Date Filed: \_\_\_\_\_

5. Print or type on a separate sheet of paper a statement of what the attorney did or did not do that you are complaining about. Please state the facts, as you understand them. State what you employed the attorney to do. Be sure to sign your name at the bottom of this form. Also sign the additional sheet containing your statement. **Your complaint cannot be processed unless your statement is enclosed with this form, and you sign both the statement and the form.** Further information may be requested. The attorney will be asked to respond to your statement.

6. In order to investigate your complaint, it is necessary for you to authorize the attorney about whom you are complaining, to disclose to the Orange County Bar Association, without limitation, all information and knowledge he possesses pertaining to the matter about which you are complaining, including that which may be privileged and confidential. Your authorization must be irrevocable. Your signing and sending in of this complaint will be considered as a waiver of your right to have such information and knowledge remain confidential and will irrevocably authorize the attorney to disclose it to the OCBA.

**MAIL TO: OCBA Attn: Client Relations Committee  
Post Office Box 6130  
Newport Beach, California 92658**

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **INSTRUCTIONS FOR FILING A COMPLAINT AGAINST A LAWYER**

Fill out all spaces on the other side of this Complaint Form to the best of your ability. If you wish to complain about more than one lawyer, use a separate Complaint Form for each. Be sure to date and sign the Complaint Form and any additional material you are submitting with it. Make sure your writing is clear so that it can be read.

If you believe it is necessary to include court papers, letters or other documents, send COPIES rather than your originals. The OCBA cannot be responsible for returning documents you may send in.

**PLEASE SEND THE ORIGINAL AND THREE COPIES OF THE COMPLAINT FORM AND ALL SUPPORTING MATERIAL. THIS WILL MAKE A TOTAL OF FOUR (4) SETS OF ALL.**

### **SOME THINGS YOU SHOULD KNOW**

**There are limitations to what the Orange County Bar Association ("OCBA") can do when considering a complaint about a lawyer.**

1. Your complaint will be handled by the Client Relations Committee of the OCBA. This Committee will investigate to determine whether ethical misconduct may have occurred. The members of this Committee are experienced lawyers who are familiar with the rules of ethics governing California Lawyers. They are impartial and work on a volunteer basis without compensation. You will be notified in writing of the Committee member assigned to investigate your complaint. Every effort will be made to review your complaint without delay. You will be advised in writing of the results of the investigation. Neither this Committee nor the OCBA have the power to discipline lawyers for ethical misconduct. If investigation reveals the likelihood of ethical misconduct, the matter will be sent to the California State Bar.
2. The authority of the OCBA and its committees is limited. It is not a court. It cannot act your lawyer. It cannot assume your legal representation. For example, it cannot give you legal advice or advise you of your rights in a given situation. It cannot recover your money or property. It cannot give you the name of a particular lawyer to help you. The names of lawyers who might help you can be obtained by contacting the OCBA Lawyer Referral & Information Service (phone 949/440-6747).
3. We find that many complaints seem to be about the fees charged by an attorney. If your complaint involves a dispute over fees charged by the attorney, the OCBA offers an arbitration program to settle such disputes. This way a lawsuit may be avoided. The OCBA will conduct the arbitration. The arbitration will be mandatory for the attorney if requested by the client. For further information on arbitration, direct inquiries to the OCBA (phone 949/440-6700).
4. All lawyers promise when they enter practice to uphold the law and comply with their oath and duties as established by the law and with the rules of ethics approved by our State Supreme Court, known as the Rules of Professional Conduct. A lawyer who violates this promise is subject to discipline, which, in very serious matters, could mean suspension of the license to practice law or disbarment.

**\*NOTE:** An honest disagreement about how a case should be handled, or should not have been handled, does not necessarily constitute unethical conduct. An error in judgment is not unethical conduct. Lawyers are human, and sometimes a lawyer makes a mistake. Except in some unusual and extreme circumstances a disagreement about fees does not constitute unethical conduct. A situation may occur which a client may find annoying, but which may not constitute unethical conduct. An example would be the lawyer's failure to promptly respond to the client's inquiries about the progress of the case. Another example would be where the lawyer has treated the client abruptly or in a rude manner. Still another example is where the fees charged turned out to be higher than estimated. Although understandably aggravating, such conduct is not necessarily unethical.