



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

FAQs for the Public

What can I do if I have a complaint against an attorney?

You may file a formal complaint against an attorney with the Office of Disciplinary Counsel (ODC), which is the division of the Disciplinary Board of the Supreme Court of Pennsylvania that is charged with investigating complaints against attorneys for violations of the Rules of Professional Conduct (RPC) (padisciplinaryboard.org/for-attorneys/rules/rule/3/the-rules-of-professional-conduct). We encourage you to submit a complaint here: padisciplinaryboard.org/for-the-public/file-complaint. After you have filed a complaint online, you will receive correspondence acknowledging receipt of the complaint, as well as a file number. If, after initial review, ODC determines that further information from you is needed, you will receive detailed correspondence outlining what additional information and documentation is being requested of you.

Alternatively, you may download a complaint form (padisciplinaryboard.org/for-the-public/file-complaint) to submit via mail or fax to the district office in which the attorney practices. Please consult the district map on the complaint form. Complaint forms currently are available in fourteen languages. Along with the complaint form, you may submit relevant documents and information.

This documentation might include:

- A concise history of your dealings with the attorney;
- Copies of fee or retainer agreements or statements;
- A description of any legal proceeding in which the attorney is involved, including the court in which a case is filed, the names of parties to the case, and the docket number(s);
- Copies of letters, faxes, emails, and other correspondence relating to the subject of the complaint;
- Copies of any legal documents in your possession relating to the subject of the complaint;
- Copies of any court filings or orders in your possession relating to the subject of the complaint; and
- Copies of canceled checks or evidence of any payments made by you to the attorney.

Please be aware that, after you file a complaint against an attorney, Office of Disciplinary Counsel does not represent you against the attorney, or in any on-going case involving that attorney.

If you are unable to complete and/or submit a complaint because of a physical disability, please contact the Office of Chief Disciplinary Counsel (padisciplinaryboard.org/about/contact#OCD).

What happens after I submit a complaint to Office of Disciplinary Counsel?

Your complaint will be reviewed and screened by Office of Disciplinary Counsel to ensure that it falls within the jurisdiction of the office. If your complaint falls within the office's jurisdiction, it will be referred to one of the disciplinary counsel, who will evaluate whether there are any issues which could form the basis of a disciplinary inquiry. If disciplinary counsel needs additional information, you may be contacted or the matter may be referred to a staff investigator. After the review and any investigation is complete, the complaint may be dismissed or the attorney against whom you have filed the complaint may be put on notice of the complaint and given the opportunity to respond.

If, after reviewing the attorney's response and conducting any further investigation, disciplinary counsel believes that there is sufficient evidence to support a finding that the attorney has engaged in unethical conduct, disciplinary counsel may submit a recommendation for discipline through a review process.

This process may result in one of four outcomes:

- Dismissal of the complaint;
- Imposition of private discipline (either an informal admonition or a private reprimand);
- Imposition of public discipline (public reprimand); or
- Filing of a formal disciplinary proceeding against the attorney, which usually involves a hearing.

What are the different types of attorney discipline?

Attorneys who engage in misconduct may receive either public or private discipline.

Public discipline means that the public is entitled to know that discipline was imposed whereas private discipline means that the public is *not* entitled to know that the attorney engaged in misconduct.

There are five types of **public** discipline:

- **Disbarment:** The attorney is prohibited from practicing law for at least five years and must petition for reinstatement to the bar and prove fitness to resume the practice of law.
- **Suspension** of the attorney's license: The attorney is prohibited from practicing law for up to and including five years. The length of the suspension will depend on the nature of the misconduct. If an attorney is suspended for more than one year, he or she must petition for reinstatement to the bar and prove fitness to resume the practice of law.
- **Public Censure:** The attorney must appear before the Supreme Court of Pennsylvania to be censured for misconduct but is permitted to continue practicing law.
- **Probation:** The Order of the Supreme Court imposes conditions that are related to the misconduct (*e.g.*, periodic reports to the Board, psychological treatment, supervision of trust accounts, restitution, compliance with income tax laws, practice limitations, etc.). The probation may or may not be imposed in conjunction with a suspension (stayed or otherwise).
- **Public Reprimand:** The attorney must appear before the Disciplinary Board to be reprimanded for misconduct but is permitted to continue practicing law.

There are two types of **private** discipline:

- **Private reprimand:** The attorney must appear before the Disciplinary Board to be reprimanded for misconduct but is allowed to continue practicing law.

- **Informal admonition:** The attorney must appear before the Chief Disciplinary Counsel to be admonished for misconduct but is allowed to continue practicing law.

Can I get my money back if my attorney took it?

If it has been determined that your attorney misappropriated your funds, Pennsylvania offers a way for clients to obtain restitution. The Pennsylvania Lawyers Fund for Client Security (palawfund.com) compensates clients for money improperly taken from them by attorneys. The Fund does not pay claims arising from acts of professional negligence or fee disputes.

Where can I find information about a Pennsylvania attorney?

The Disciplinary Board's website contains information about Pennsylvania attorneys, including license status, contact information, history of public discipline, and whether the attorney carries malpractice insurance. You can access this information under the Look Up Attorney page: padisciplinaryboard.org/for-the-public/find-attorney.

Can you refer me to an attorney?

The Disciplinary Board cannot refer you to a particular attorney. You may consult the Pennsylvania Bar Association Lawyer Referral Service (pabar.org/site/For-the-Public/Find-a-Lawyer) or your county bar association to obtain information about lawyer referral services in your county.

How do I request public data or documents?

For public data, review the Public Data Request Form & Procedures here: padisciplinaryboard.org/Storage/media/pdfs/20200213/140523-publicdatarequestformandprocedures.pdf.

For public documents, review the Public Document Request Form & Procedures here: padisciplinaryboard.org/Storage/media/pdfs/20200213/140557-publicdocumentrequestformandprocedures.pdf.

How can a member of the public requiring language assistance leave a telephone message for the Disciplinary Board?

The Disciplinary Board offers access to a telephone interpreter service. To speak with an interpreter, call 1-888-804-2044 and dial access code 9433. For a Spanish language interpreter, select 1. For other languages, consult the language code table: padisciplinaryboard.org/Storage/media/images/20211008/184303-telephonicinterpreting.png.

Commonly Used Terms

View a list of terms you might encounter during the disciplinary process here:

padisciplinaryboard.org/for-the-public/resources/glossary.