

**TRUMBULL COUNTY BAR ASSOCIATION**  
**PROFESSIONAL CONDUCT COMMITTEE**

**120 High Street, NW**  
**Lower Level, Law Library**  
**Warren, Ohio 44481**  
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**Website: <https://trumbullbar.org>**

**Professional Conduct Committee Chair: Edward F. Smith, Esq., term 2023-2025**

**Bar Counsels: William M. Flevares, Esq.**

**PROCEDURE**

1. The grievance procedure is initiated by contacting the Trumbull County Bar Association in person or via telephone. We will request your name, address, phone number, and the attorney's name for verification purposes. All information given is confidential, and the attorney will not be notified until the actual filing of the complaint.
2. You will then receive a grievance form in the mail. You will be required to fill out this form, have it notarized and returned to the Bar Association in the envelope provided.
3. When your grievance form is returned, it will be forwarded to the Trumbull County Bar Association Professional Conduct Committee Chairman who will review the grievance.
4. The Chairman will then either assign an investigator from the Committee to investigate the matter or dismiss the grievance if there is no prima facie grievable offense noted. You will be notified by mail of either decision.

5. If the grievance is assigned to an investigator, the investigator will contact both you and the attorney to begin the investigation. The investigator then reports his/her findings to the Committee.
  
6. The Committee makes a determination on the grievance and notifies you in writing of their decision to certify the grievance to the Office of Disciplinary Counsel for further proceedings or dismiss the grievance for lack of probable cause.
  
7. If the grievance is certified, it will be sent to Bar Counsel to address with the Office of Disciplinary Counsel of the Ohio Supreme Court.
  
8. If the grievance is dismissed, there will be instructions accompanying the determination on how you can appeal the determination to the State Disciplinary Council in Columbus.

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**Additional Information from the Ohio Supreme Court, Office of Disciplinary Counsel:**

Also include **copies** of any documents you feel are necessary to support your grievance. Do not send original documents. You may use additional sheets of paper to complete the "Facts of the Grievance" portion of this form. You may or may not be contacted to provide additional information. **Be sure to sign and date the form in front of a Notary Public.** Once we receive the completed grievance form, we will review the matter as quickly as possible. You will receive notification of the status of your case by mail.

The Rules of the Supreme Court of Ohio require that investigations be confidential, and you are asked to keep confidential the fact that you are submitting this grievance. Only the attorney under investigation may waive confidentiality. **The party(ies) you are filing your grievance against will receive notice of your grievance and may receive a copy of your grievance and be asked to respond to your allegations.** The filing of a grievance may result in your attorney withdrawing from your case. We cannot prevent this. Please also be advised that in filing a grievance against your attorney, you are waiving the attorney-client privilege. Additionally, this office has no jurisdiction to become involved in the merits of any case. **The attorney disciplinary process will not affect or change court decisions made in your case.**

Please use one form for each attorney against whom you are complaining. You may copy the form if you have more than one grievance, and you may enclose all of your grievances in one envelope.

### **The Grievance Process**

A grievance sent to the Disciplinary Counsel of the Supreme Court of Ohio or to a local bar association's certified grievance committee will be reviewed to determine whether the grievance alleges a violation of the Code of Professional Responsibility or Code of Judicial Conduct. If there is evidence that supports the allegation of a violation, the grievance will be investigated. Following the investigation, if substantial, credible evidence is found that a violation has occurred, a formal complaint will be filed with the Board of Commissioners on Grievances and Discipline. A three-member panel of the Board will review the complaint and determine whether probable cause exists to certify it. If the complaint is certified by the Board, a hearing is then held before a different three-member panel of the Board. The panel considers the evidence and makes a recommendation to the full Board of Commissioners. The full Board then makes a recommendation to the Supreme Court of Ohio. The Court has final say on whether to discipline an attorney or judge and what sanction should be administered. A grievance is confidential until the Board certifies it as a formal complaint. A grievance or complaint can be dismissed at any point in the process.

### **UNDERSTANDING THE GRIEVANCE PROCEDURE**

The Professional Conduct Committee of the Trumbull County Bar Association has been given authority by the Supreme Court of Ohio to investigate grievances against attorneys, which arise in Trumbull County. If you do not live in Trumbull County, are filing a complaint against a Judge, Magistrate or a member of the Professional

Conduct Committee of Trumbull County, the attorney's office or your case is situated in another County, you should contact the Office of Disciplinary Counsel of the Supreme Court of Ohio:

**Office of Disciplinary Counsel**  
**250 Civic Center Drive, Ste. 325**  
**Columbus, Ohio 43215-7411**

**Business Hours:**

8 a.m.- 5 p.m.

Phone: 614.461.0256

Toll Free:800.589.5256

Fax: 614.461.7205

The authority of the Professional Conduct Committee is limited to the investigation of attorney misconduct, which would be in violation of the specific Disciplinary Rules, which are included in the attorneys' Code of Professional Responsibility.

The Bar Association has no authority to investigate other behavior by an attorney, which the public may view as "unethical", but which is not covered by the Disciplinary Rules.

There are several important limitations on how and when the Bar Association can take action in response to your allegations against an attorney.

First, neither the Bar Association nor its Professional Conduct Committee can act as a court of appeals. It cannot overrule any decisions that have been made by a court. The Bar Association cannot change the outcome of your case or redeem your losses, whether monetary or otherwise. The only function of the Professional Conduct Committee is to investigate allegations of attorney misconduct and to either seek sanctions against the attorney in the Ohio Supreme Court or to exonerate the attorney when no misconduct is found.

Second, the Professional Conduct Committee cannot interfere with ongoing court proceedings. The grievance process will not be used on behalf of one party in a lawsuit to put unfair pressure upon the other parties to that suit or upon the attorneys who are involved. The court system is the proper place for the resolution of civil or criminal disputes, and the injection of an attorney grievance into court proceedings is disruptive to the court system itself and may unfairly influence an attorney's representation of his client.

Finally, it is important to recognize that the Bar Association and its Professional

Conduct Committee cannot give you legal advice or represent you. The Professional Conduct Committee's function is to investigate, and seek discipline for, attorney misconduct. A person with a legal problem should consult an attorney, and cannot rely on the Bar Association for legal representation.

You may pursue a cause action in court against an attorney at the same time that your complaint against that attorney is being investigated by the Professional Conduct Committee. However, the Professional Conduct Committee will not be representing you, and the grievance procedure is separate and distinct from any civil cause of action.

The fact that you have filed a grievance with the Bar Association will not affect the time limitations for the proper filing of a civil lawsuit, whether that suit is against your attorney or against anyone else. The investigation of a grievance by the Bar Association will normally take from 60 to 90 days.

The Professional Conduct Committee operates under rules adopted by the Supreme Court of Ohio which are designed to protect the public from attorney misconduct and to uphold the integrity of the Bar. It is the goal of Professional Conduct Committee members to thoroughly investigate complaints of attorney misconduct in a manner that is fair to both the interests of the public and the accused attorney.