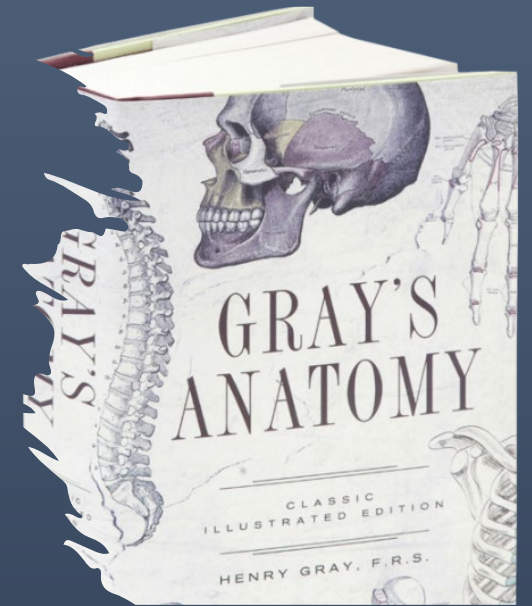




ANATOMY OF A DISCIPLINARY COMPLAINT

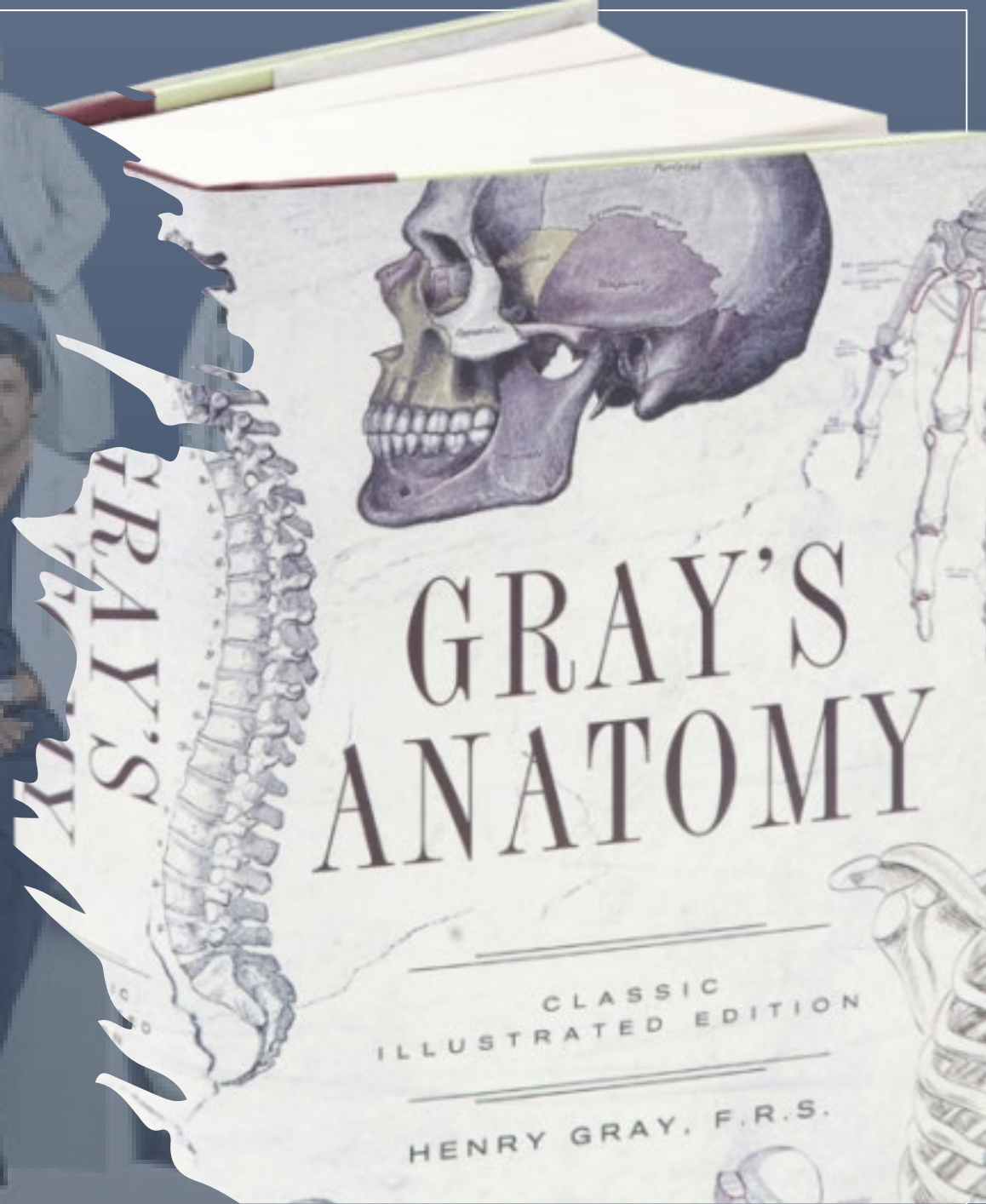


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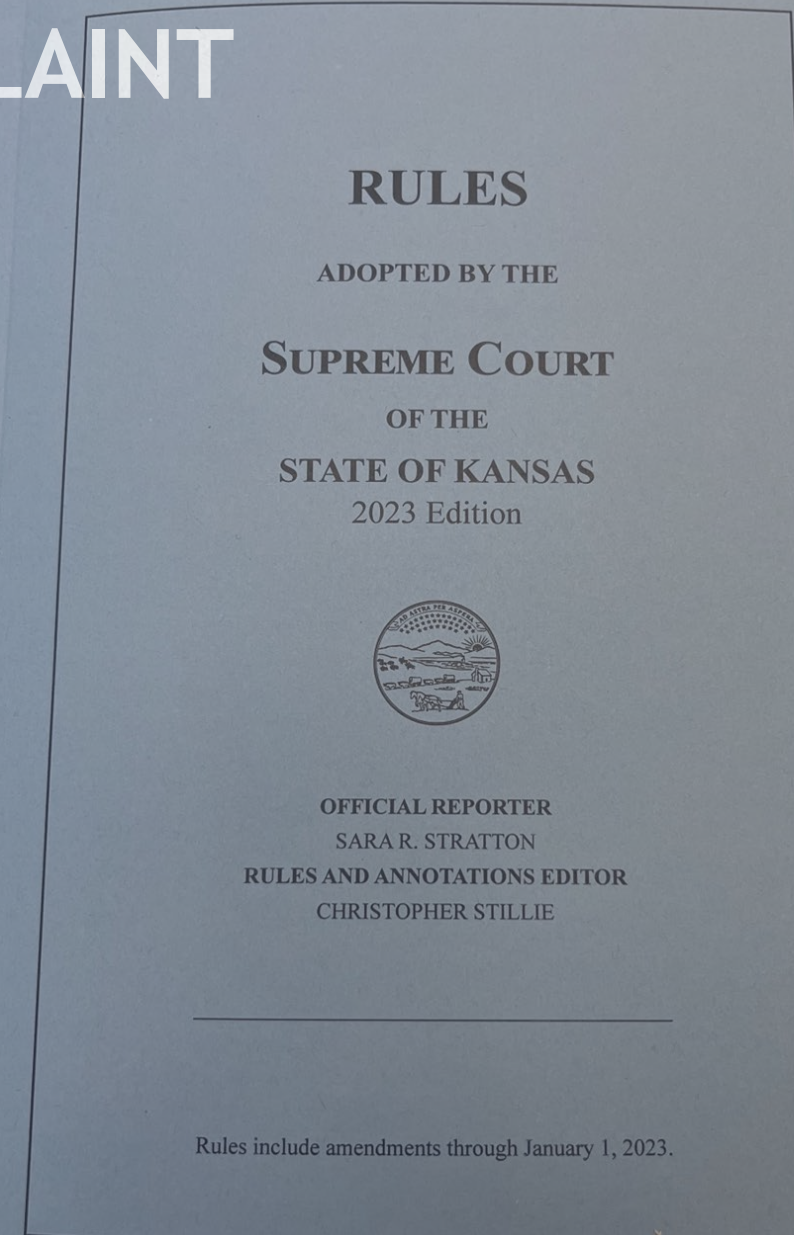
ANATOMY OF A
DISCIPLINARY
COMPLAINT

GREY'S ANATOMY



ANATOMY OF A DISCIPLINARY COMPLAINT

- Procedural Rules
 - (Rules 200 - 239)
- Internal Operating Rules
- Substantive Rules
 - Rule 240
 - i.e. Rule 1.1 (competence)



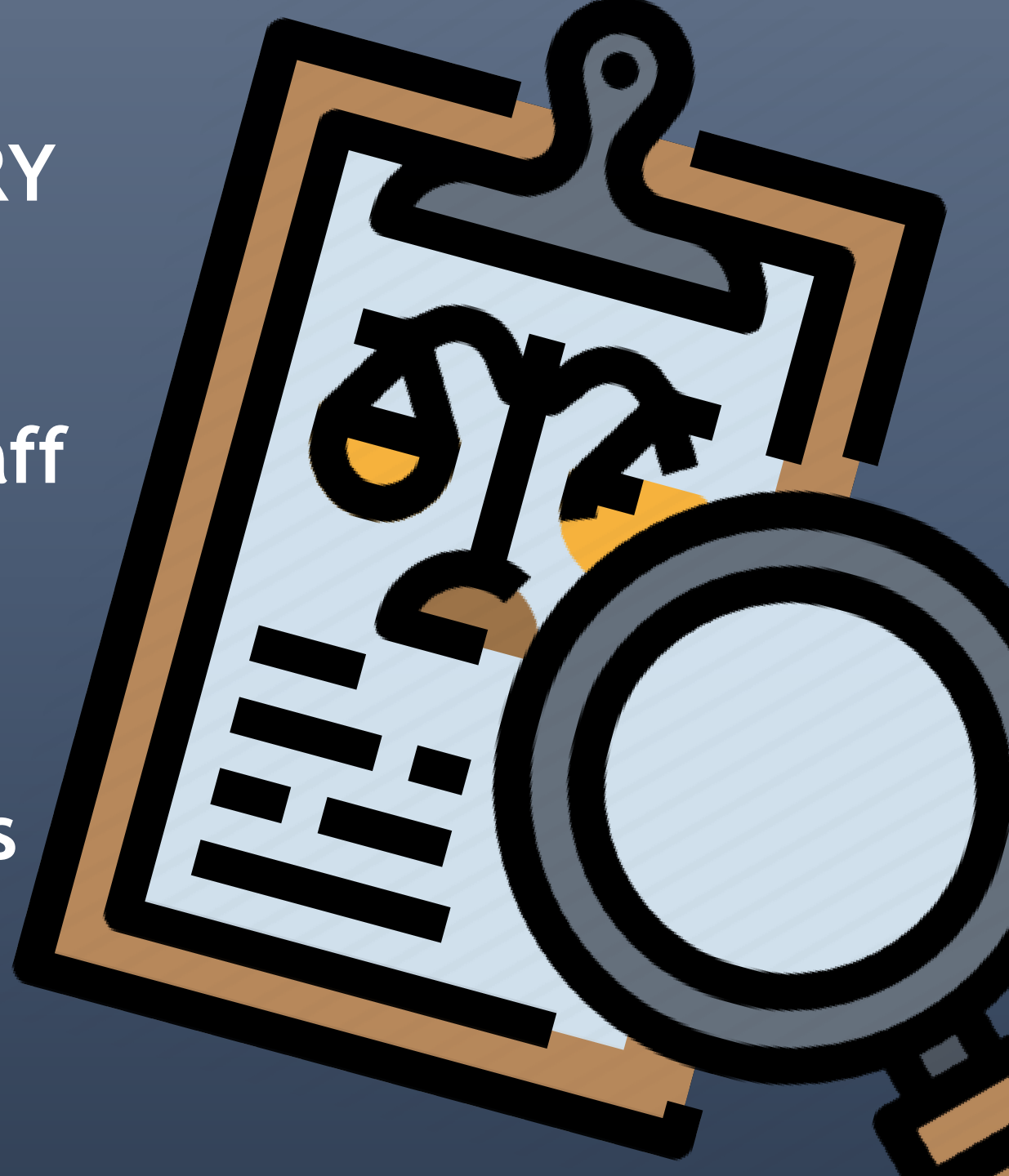


ANATOMY OF A DISCIPLINARY COMPLAINT

- Notice to respondent
- Initial review
- Statistics

ANATOMY OF A DISCIPLINARY COMPLAINT

- In house investigative staff
- Volunteer investigators
- Investigation components



ANATOMY OF A DISCIPLINARY COMPLAINT

Review Committee

- Three members appointed by Supreme Court
- Dispositions

ANATOMY OF A DISCIPLINARY COMPLAINT

Diversion

- Rule 212
- Eligibility
- Ineligible
- Successful v. unsuccessful





ANATOMY OF A DISCIPLINARY COMPLAINT

Informal Admonition

- Public
- Not published

ANATOMY OF A DISCIPLINARY COMPLAINT

Institute Formal Charges

- Hearing Panel
- Formal Complaint, Answer, et al.
- Prehearing Conference & Formal Hearing
- Final Hearing Report



ANATOMY OF A DISCIPLINARY COMPLAINT

Institute Formal Charges

- Summary Submission Agreement (SSA)
- Rule 223





ANATOMY OF A DISCIPLINARY COMPLAINT

Filed with
Supreme Court

ANATOMY OF A DISCIPLINARY COMPLAINT

Filed with Supreme Court

- Final Hearing Panel Report
 - Censure, Probation, Suspension, Disbarment
- SSA

KANSAS JUDICIAL CENTER

ANATOMY OF A DISCIPLINARY COMPLAINT

Kansas Supreme Court Opinion

- Findings of Fact, Rule Violations, Sanction





Open the gray letter

Respond

Fully cooperate

KRPCs apply on and off the clock

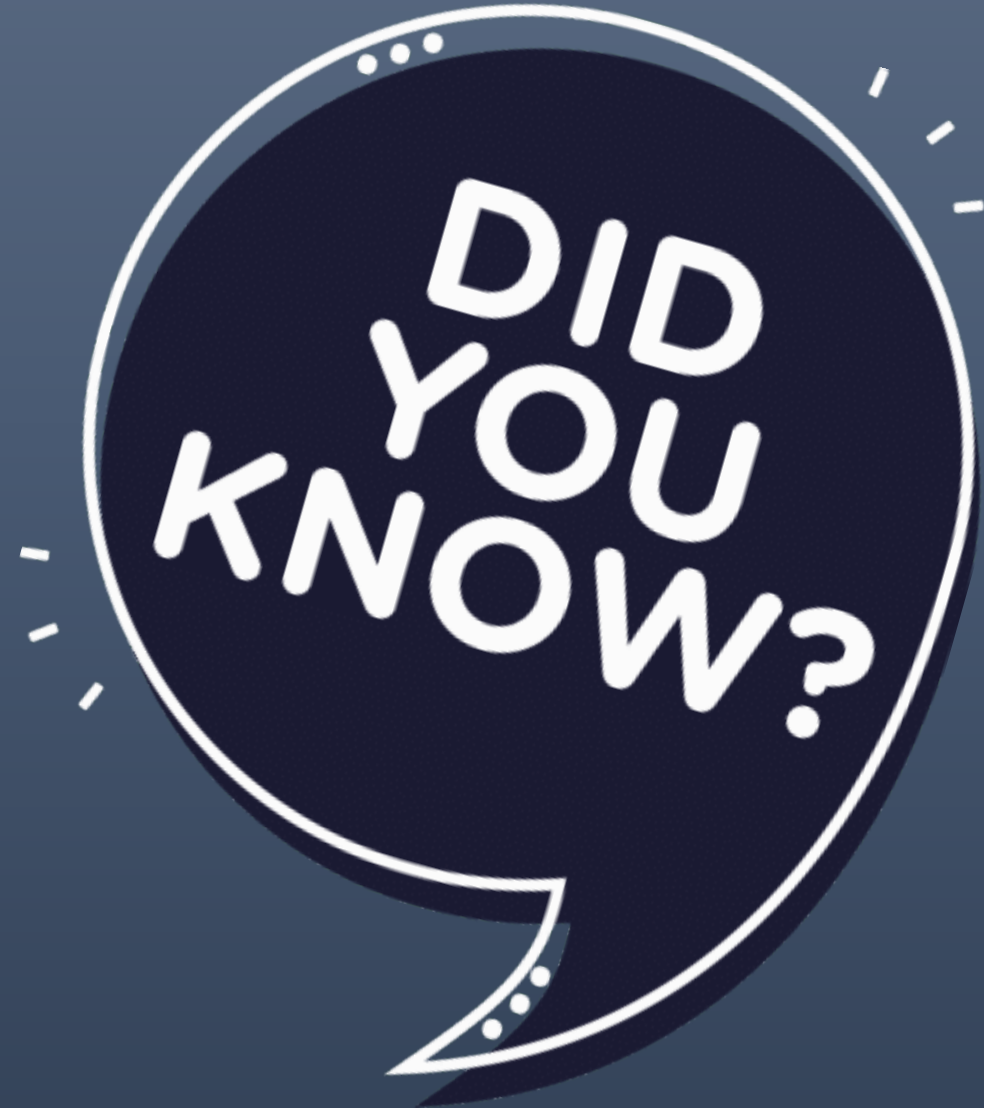
Duty to report

Immunity

KALAP

Client Protection Fund

Call us!



Here are the pre-CLE questions and answers:



1. What does your office do when complaints are filed?

- Are they automatically docketed and investigated?
- Is there grey area where the ODA exercised discretion?

Here are the pre-CLE questions and answers:



The ODA process is complaint driven. We do not go out looking for complaints.

The court finding is not determinative of an ODA investigation.

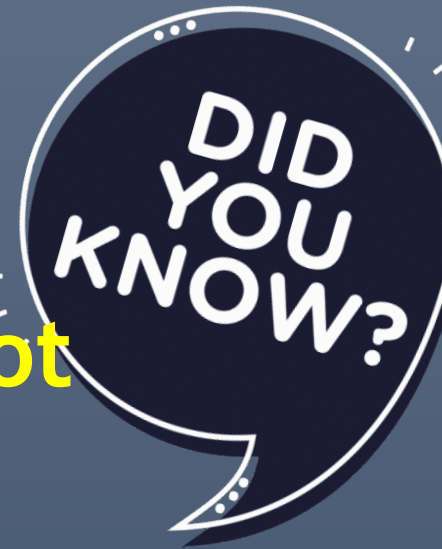
However, Rule 220(b) (Effect of other proceeding or judgment)
A certified judgment or ruling in any action involving substantially similar allegations as a disciplinary matter is prima facie evidence of the commission of the conduct that formed the basis of the ruling.

Here are the pre-CLE questions and answers:



2. I am interested in hearing about the decision to docket a case vs. choosing to dismiss it without docketing.
 - What is involved in the process prior to that decision?
 - Is it true that if another attorney or judge makes the complaint that it is always docketed?

Here are the pre-CLE questions and answers:



Rule 208(b): Dismiss complaint if:

- 1) Allegations in the initial complaint do not constitute misconduct;**
- 2) Complaint is facially frivolous, lacks adequate factual detail, or is duplicative; or**
- 3) The matter is outside the Board's jurisdiction**

Rule 208(c): informal inquiry or docket

False: complaint is automatically docketed if made by judge or attorney.

Here are the pre-CLE questions and answers:



3. If a client makes a complaint, are they kept apprised of the process as it moves forward?
 - Namely, are they kept “in the loop” about what happens with a complaint that they file?

Here are the pre-CLE questions and answers:



True: A complainant is kept apprised of the process as it moves forward and “kept in the loop” about what happens with a complaint they file.

Complainant may be a client or anyone else - they are “kept in the loop”.

Here are the pre-CLE questions and answers:



4. What is the advantage of “making deals” when it comes to our ethical performance or lack thereof?

Here are the pre-CLE questions and answers:

May need to clarify this question.

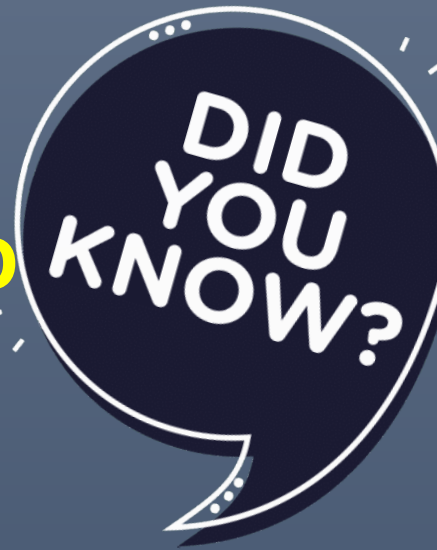


Yes, if a formal complaint is filed against an attorney, the ODA is willing to consider a jointly agreeable resolution. See Rule 223: Summary Submission Agreement.

No, asking a complainant to dismiss their complaint as part of a “deal” implicates a violation of Rule 8.4(d)

Here are the pre-CLE questions and answers:

The ODA process is complaint driven. We do not go out looking for complaints.

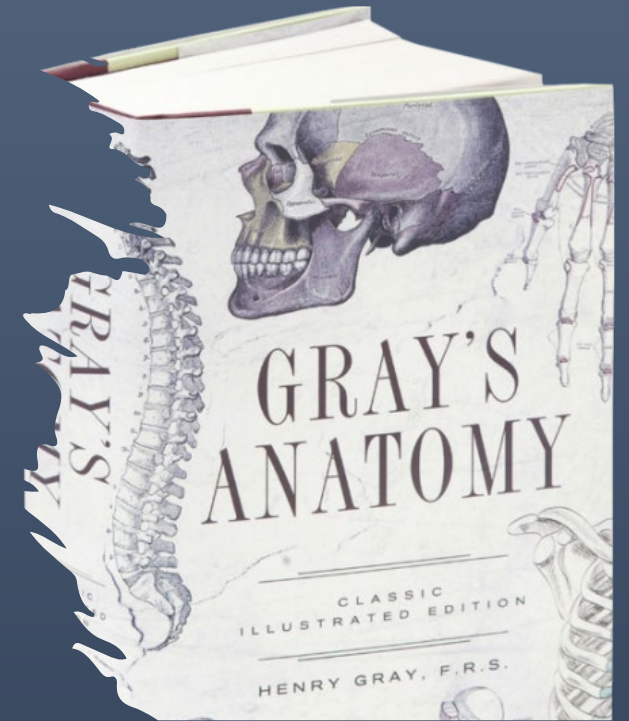


True: A complainant is kept apprised of the process as it moves forward and “kept in the loop” about what happens with a complaint they file.

Complainant may be a client or anyone else - they are “kept in the loop”.

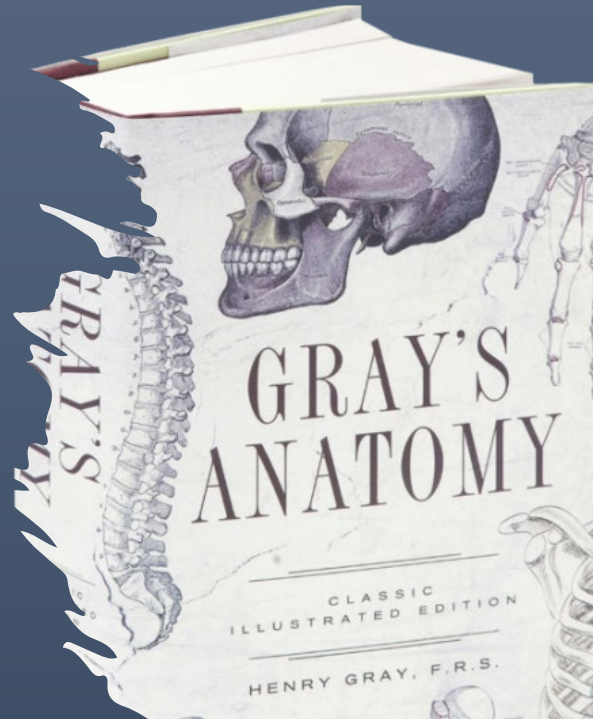


ANATOMY OF A DISCIPLINARY COMPLAINT



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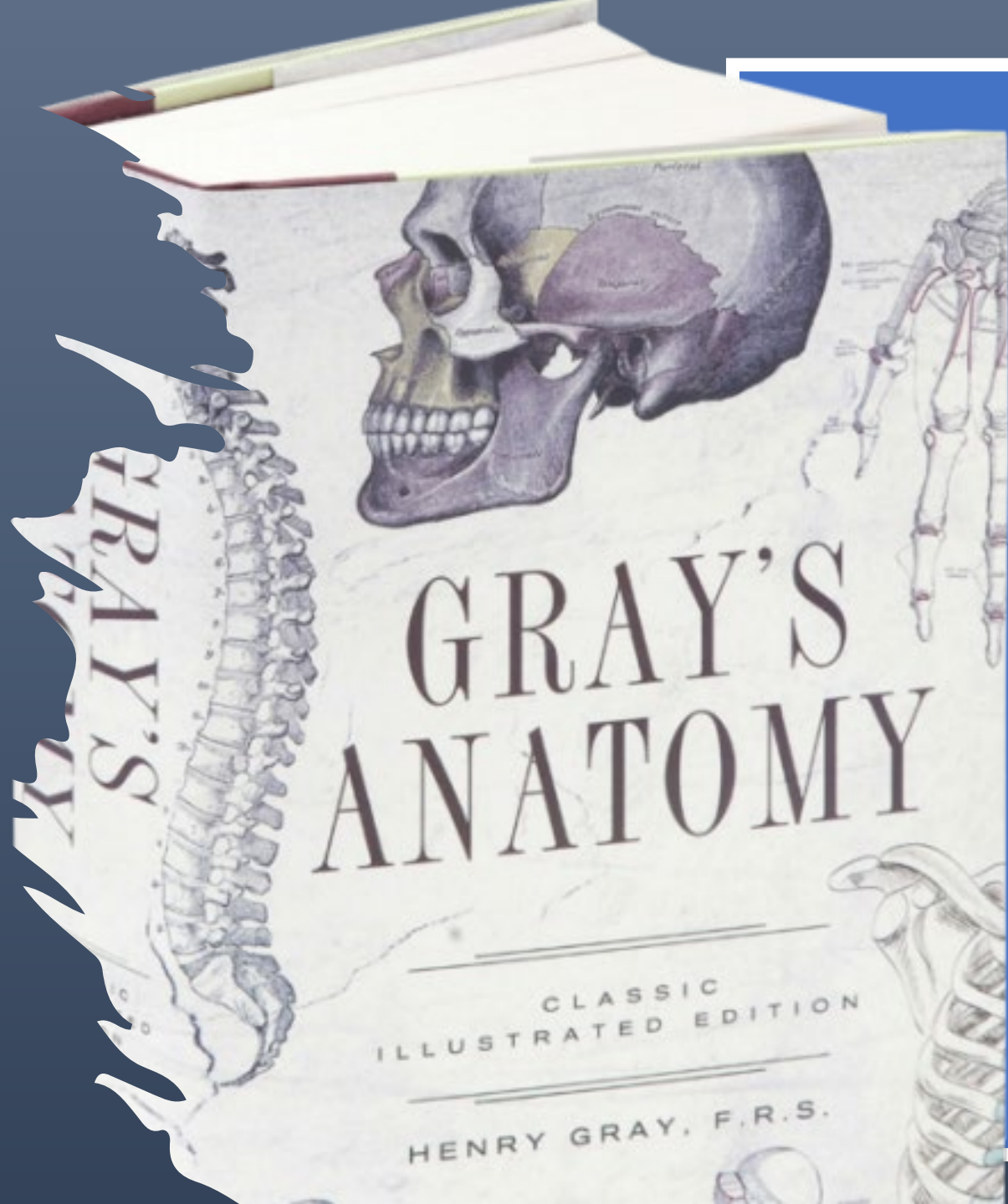
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ANATOMY OF A DISCIPLINARY COMPLAINT

Call us before we call you:
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attydisc@kscourts.org

KALAP
785-368-8275
kalap@kscourts.org



GRAY'S ANATOMY

CLASSIC
ILLUSTRATED EDITION

HENRY GRAY, F.R.S.

COMPLAINT



Helpful

