

# FREQUENTLY ASKED QUESTIONS

## THE DISCIPLINARY BOARD OF THE SUPREME COURT OF RHODE ISLAND

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**Question:** What is the Disciplinary Board of the Supreme Court of Rhode Island?

**Answer:** The Disciplinary Board of the Supreme Court of Rhode Island (Board) was established to assist in protecting the public from attorneys who act in an unethical manner or who fail to maintain high professional standards. The Board is composed of attorneys and non-attorneys.

The Board reviews evidence against attorneys, and, if warranted, it then recommends disciplinary action to the Supreme Court, which is empowered to impose sanctions on attorneys. The function of the Board is solely disciplinary and does not have the power to recover fees or damages.

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**Question:** Does filing a complaint with the Board cost money?

**Answer:** No. The filing of a complaint with the Board costs nothing.

Annual assessments that are paid by every practicing lawyer in Rhode Island finance the operation of the attorney disciplinary system.

An important note is that although *your* attorney may be guilty of misconduct, the vast majority of people are well satisfied with the performance and professionalism of their attorneys.

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**Question:** Do attorneys follow specific rules of professional conduct?

**Answer:** Yes. Standards governing the conduct of Rhode Island attorneys are clearly set forth in Article V, Rules of Professional Conduct. These rules were adopted by the Rhode Island Supreme Court to define and regulate the daily professional behavior of attorneys. The Disciplinary Board enforces these rules. A summary of those rules is available on the Rhode Island Judiciary's website at [www.courts.ri.gov/publicresources/disciplinaryboard/](http://www.courts.ri.gov/publicresources/disciplinaryboard/).

Not all complaints come to the Board. Often, for instance, when problems exist between an attorney and a client, they can be mutually resolved without the Board's involvement. However, there are times when this is not possible and reasons exist for filing a formal complaint.

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**Question: What are grounds for a complaint?**

**Answer:** Some of the most common grounds for filing a complaint against an attorney are as follows:

- An attorney's failure to provide information about the case to the client;
- An attorney's failure to account for funds held or received on behalf of a client or a third party; and
- An attorney's neglect of a case.

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**Question: How are complaints filed?**

**Answer:** There are two (2) ways that a complaint may be filed:

1. By calling (401) 823-5710 to request a complaint form, completing the form, and returning the form to the Chief Disciplinary Counsel at the Philip W. Noel Judicial Complex, 222 Quaker Lane – Room 1083, Warwick, RI 02886.
2. By writing a letter to the address listed above, including your name, address, and telephone number; the name, address, and telephone number of the attorney in question; and a description of your complaint. (Receipt of complaints is formally acknowledged.)

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**Question: What happens after I file?**

**Answer:** When a complaint is received, the attorneys of the Office of Disciplinary Counsel review the complaint to determine if the complaint is within the scope of the Board's authority. If the complaint is within the Board's authority, the complaint will be sent to the attorney against whom the complaint was made. The attorney will be asked to respond in writing. You will receive a copy of the attorney's response.

If warranted, an investigation will be conducted. If the investigation reveals sufficient evidence of a violation of the Article V, Rules of Professional Conduct, the Board will authorize the issuance of formal charges against the attorney. If there is not sufficient evidence of a violation, the Board will dismiss the complaint. In either event, you will be notified of the Board's action.

In cases where the Board determines serious misconduct has occurred, the Supreme Court will be informed and will hear the facts of the case. If warranted, the Supreme Court will impose disciplinary sanctions on the attorney. These sanctions may include censure, suspension, or disbarment of any attorney who is found guilty of misconduct.

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**Question: How will I know the status of my complaint?**

**Answer:** Both parties, the complainant (you) and the respondent (the attorney), are kept up to date on the progress of the complaint as the complaint moves through the disciplinary process.

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**Question: May I receive assistance to determine whether or not I have a valid complaint?**

**Answer:** Yes, by contacting the Disciplinary Board at the following address:  
Philip W. Noel Judicial Complex  
222 Quaker Lane – Room 1083  
Warwick, RI 02886  
(401) 823-5710 telephone  
(401) 822-6071 facsimile

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**Question: Will the Board or Disciplinary Counsel provide legal services to me?**

**Answer:** No. The function of the Board and the Office of the Disciplinary Counsel is strictly to investigate and prosecute violations of the Article V, Rules of Professional Conduct. The Board and the Office of the Disciplinary Counsel do not provide legal services to the public.

If you need an attorney, you may call the Rhode Island Bar Association's Lawyer Referral Service at (401) 421-7799. If you cannot afford an attorney, you may qualify to receive the services of an attorney who will represent you at no cost. The following agencies provide services for clients who cannot afford an attorney:

**Rhode Island Legal Services**

(401) 274-2652

**Office of the Public Defender**

401) 222-3492

**Rhode Island Bar Association Volunteer Lawyer Program**

(401) 421-7758

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