

Attorney Discipline / Grievances

Committee-Level Discipline

Each of New York's four judicial departments has its own rules addressing the discipline of attorneys. Accordingly, a particular grievance committee may or may not have all of the following actions available to it: Dismissal;

Referral to Arbitration or Mediation;

Letter of Education;

Letter of Caution;

Letter of Admonition; and

Reprimand.

Strategies for Grievance Committee Proceedings

The most effective way to deal with an inquiry from a grievance committee is to provide a full and timely response. Cooperation and forthrightness can go a long way in resolving a complaint. In many cases, it can keep the matter from moving to the "next level." Tully Rinckey PLLC's Professional Responsibility and Legal Ethics practice can represent attorneys in committee-level disciplinary proceedings throughout New York State. **Court-Level Discipline**

Where disciplinary charges are filed in a proceeding before an appellate division, the court may dismiss some or all of the charges, or if it finds misconduct, it can impose the following disciplines: Disbarment;

Disciplinary Resignation;

Suspension;

Suspension, stayed upon the attorney's compliance specific conditions;

Censure; and

Private Censure.

Strategies for Court Disciplinary Proceedings

Historically, grievance committees have not filed disciplinary charges which lacked merit or had little chance of success. It is for that reason that a large majority of cases presented to the court result in some form of discipline. However, where we conclude that a charge faced by a client lacks merit, every effort will be made to establish this fact with the hope that ultimately the charge will not be sustained. Contrastingly, in a case where an attorney's misconduct is clearly established, efforts should be made to provide evidence in mitigation and good character testimony, along with a showing that steps are being taken by the attorney on his or her own to address the underlying issue. Such a showing could include a monitoring plan with a mental health expert, an accountant who provides periodic reports to the court confirming that the attorney's escrow account is properly maintained, or an attorney who agrees to mentor the respondent attorney and monitor his or her practice. Tully Rinckey PLLC's Professional Responsibility and Legal Ethics practice group is available to aggressively defend attorneys in court disciplinary proceeding throughout New York State. Tully Rinckey PLLC has offices in Albany, Syracuse, and Buffalo. Call today to schedule a consultation with one of our legal ethics and discipline attorneys at 716-439-4700 or e-mail info@1888law4life.com

If you have an urgent legal matter after normal business hours, call 716-439-4700 to speak to an attorney 24 hours a day, seven days a week. The firm is responsive to the needs of current and prospective clients. We will respond to phone calls within normal business hours and e-mails within the next business day.

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