Anatomy of an Attorney Disciplinary Complaint

A disciplinary complaint is filed by a complainant against a respondent.

The complaint is reviewed by the Disciplinary Administrator or one of his deputies (DA).

Does the complaint appear to have merit?

If yes, then . . .

the DA reviewing the case sends the case for investigation. The case is assigned to an ethics and grievance committee for investigation. The chairman of the committee assigns a volunteer attorney to investigate the complaint. Following the investigation, a copy of the report is sent to the DA.

If no, then . . .

the DA
reviewing the
case dismisses
the case and
notifies the
complainant
and the
respondent that
the case is
dismissed.

if maybe, then . . .

the DA reviewing the case handles it "informally." A copy of the complaint is sent to the respondent and the respondent is required to provide a written response to the complaint within 20 days.

If the respondent fails to respond or if the Respondent responds but it appears that the Kansas Rules of Professional Conduct have been violated, then . . . After the investigation is complete, the DA reviews the report, prepares a summary report (204 report) and forwards the complaint, response, report, and 204 report to the Review Committee (RC).

If the Respondent responds and the case does not appear to have merit, then . . .

RC outcomes

Dismissal. If the RC directs that the case be dismissed, then the DA dismisses the case and notifies the complainant and the respondent.

Informal Admonition or Diversion. The RC may suggest that the Respondent participate in the Diversion program or direct that the Respondent be informally admonished.

Formal Hearing. If the RC directs that the case proceed to a formal hearing, the DA will prepare a Formal Complaint and the matter will proceed to hearing. If the Hearing Panel finds misconduct and recommends censure, probation, suspension or disbarment, then the respondent must appear before the Kansas Supreme Court.