

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD
EXECUTIVE COMMITTEE
POLICY AND PROCEDURE NO. 5

**COMPLAINTS AGAINST LPRB AND CSB MEMBERS, DIRECTOR AND DIRECTOR'S STAFF, AND
DEC MEMBERS**

Complaints against the Director or Staff Members:

Upon receipt of a complaint against the Director or OLPR staff members, the Director will forward the complaint to the Chair of the Lawyers Board unless the allegations are based solely upon their participation in the resolution of a complaint (see policy below). The Chair will assign the complaint to a Lawyers Board Panel in rotation, which will determine whether the matter can be summarily dismissed. If the complaint cannot be dismissed, the Panel will submit the complaint to the Supreme Court for assignment to special counsel for investigation. Special counsel shall have the authority to dispose of the matter under Rule 8(d)(1), (2) or (3), Rules on Lawyers Professional Responsibility (RLPR). If special counsel determines the matter should be presented to a panel (Rule 8(d)(4)), RLPR, it will be presented to a special panel as provided below.

Complaints by Lawyers Professional Responsibility Board and Client Security Board Members:

Complaints made by a Lawyers Board or Client Security Board member should initially be handled within the normal channels of the discipline system. If in the Director's determination the credibility of the Board member may be at issue, or other circumstances exist indicating that the Director or any of his, her or their staff should not handle the matter, then special counsel may be requested.

Complaints against Lawyers Professional Responsibility Board and Client Security Board Members:

Upon receipt of a complaint against a Board member that is not based solely upon their participation in the resolution of a complaint, the Director shall initially handle the complaint within the normal channels of the discipline system. If a determination is made to investigate the matter, the District Ethics Committee shall investigate. If the matter to be investigated is not the type of matter normally assigned to a District Ethics Committee, the matter shall be assigned to special counsel for investigation. , If the District Ethics Committee recommends a dismissal and the Director agrees, the Director will do so. If the District Ethics Committee recommends further investigation or that the lawyer be disciplined, the matter will be assigned to special counsel. If the District Ethics Committee recommends dismissal but the Director determines further investigation is necessary, the matter will be assigned to special counsel for investigation. In each circumstance, special counsel shall have the authority to dispose of the matter under Rule 8(d)(1), (2) or (3), RLPR, or if necessary, may present charges to a special panel (Rule 8(d)(4)), RLPR.

Complaints Against LPRB and CSB Board Members, Director, Director's Staff or DEC Members Based Solely Upon Their Participation in the Resolution of a Complaint:

Complaints against Board members, Director, the Director's staff, and DEC members that are based solely upon dissatisfaction with the disposition of a prior complaint and that allege no substantive misconduct other than the participation in the disposition of a complaint shall be forwarded to the Board Chair or designee. If the Chair or designee determines that the submission contains no factual assertions in support of the allegations of misconduct beyond the fact that the Board member, Director, Director's staff, or DEC member participated in the resolution of a prior complaint(s), then the Chair or designee shall dismiss the complaint. The decision of the Chair or designee shall be final.

Appeals:

If a complaint other than one based solely upon their participation in the resolution of a complaint against a Client Security Board member, Lawyers Board member, the Director or an attorney employed by OLPR results in a dismissal, admonition or stipulated private probation, and no hearing under Rule 9, RLPR, was held, and the complainant is not satisfied with the disposition, the complainant may appeal to a Lawyers Board member (other than a member of a Panel that may have issued the disposition) chosen in rotation, as provided by Rule 8(e), RLPR. If a hearing was held under Rule 9, RLPR, the complainant may petition for review or appeal to the Supreme Court as provided by Rule 9(l), RLPR.

Any appeal by a complaining Board member under Rule 8(e), Rules on Lawyers Professional Responsibility, must be heard by the Board Chair or the Chair's designee, provided that the designee must be a member of the Executive Committee.

Special Counsel or Special Panels:

Special counsel should be appointed by the Supreme Court, through its Commissioner, as referees are appointed in public matters. The Director shall file a written request for appointment of special counsel in a file specifically denoted by the Clerk of Appellate Court for that purpose, along with a list of at least 20 past and present District Ethics Committee members and all persons who in the last ten years completed service as Lawyers Board members, as well as any Director, or Assistant Directors, who have not been employed in the Director's Office within the past year. The Director shall use the Office case number to designate the matter in order to maintain the confidentiality of parties involved. Special panels may be appointed from the same pool of members. Compensation for special counsel shall be the same as provided to senior judges who serve as referees within the disciplinary system. Special Panels shall serve without compensation, but reasonable expenses will be reimbursed consistent with judicial policies.

Dated: Jan. 27, 2023

LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD

/s/ Jeanette Boerner

By: Jeanette Boerner
Chair