

# **Office of Public Advocacy Administrative Policies**

**Subject:** Client Grievance Procedure

**Effective date:** October 1, 2015

**Revision Date:** July 26, 2017

## **1.0 POLICY**

The Office of Public Advocacy has established the following procedures for clients alleging grievances against the Assistant Public Advocate assigned to the clients' case and the contract attorney assigned to the clients' case.

## **2.0 PROCEDURE FOR CLIENT GRIEVANCE AGAINST ASSISTANT PUBLIC ADVOCATES**

### **2.1 WRITTEN COMPLAINT**

Any client alleging grievance against the Assistant Public Advocate assigned to the clients' case shall complete a written statement of grievance and submit it to the appropriate Supervising Assistant Public Advocate for the office housing their assigned Assistant Public Advocate.

### **2.2 ACTION ON WRITTEN COMPLAINT**

Upon receipt of a signed, written complaint against an Assistant Public Advocate, the Supervising Assistant Public Advocate for the office housing the assigned Assistant Public Advocate shall review the complaint and may take any or all of the following actions if the complaint is deemed to have merit on its face:

- A. Contact the complainant (either in person or via telephone) for the purpose of obtaining further clarification regarding the facts alleged;**
- B. Provide the respondent attorney with a complete copy of the complaint and follow up statement if any;**
- C. Communicate with the respondent attorney to discuss appropriate action to be taken.**
- D. Any other action necessary to fairly decide the grievance. If the complaint is deemed to have no merit or is otherwise resolved it shall be closed with no further action. The Complainant will not receive any formal notice of closure. If the complaint has merit and is unresolved the complainant shall be notified of the decision and action to be taken.**

### **2.3 DECISION BY SUPERVISING ASSISTANT PUBLIC ADVOCATE**

Following step 2.2, the Supervising Assistant Public Advocate shall make a decision regarding action, if any, to be taken by the respondent attorney. The decision by the Supervising Assistant Public Advocate may include reassigning the case within the home office to another Assistant Public

**Advocate. Reasons for the change of counsel shall be documented in the Supervising Assistant Public Advocate's file but shall not be provided to the court, to new counsel, or to opposing counsel. After communication with the respondent attorney, the Supervising Assistant Public Advocate may determine the matter is resolved if the requested action by the respondent attorney has already been taken or a representation hearing has occurred subsequent to the grievance.**

#### **2.4 REQUEST FOR REPRESENTATION HEARING**

**If the complainant decides, after notification from the Supervising Assistant Public Advocate, that the complainant nonetheless wishes to pursue the grievance with the court of record, the Supervising Assistant Public Advocate shall notify the respondent attorney in writing to immediately secure a representation hearing for the client with the court of record.**

### **3.0 PROCEDURE FOR CLIENT GRIEVANCE AGAINST SUPERVISING ASSISTANT PUBLIC ADVOCATES AND CONTRACT ATTORNEYS**

#### **3.1 WRITTEN COMPLAINT**

**Any client alleging a grievance against the Supervising Assistant Public Advocate assigned to the client's case or a Contract Attorney assigned to the client's case shall complete a written statement of grievance and submit it to the home office of the Supervising Assistant Public Advocate or the office of the Contract Attorney. The complaint shall not contain confidential case related information. The office shall review the complaint to screen out any confidential information and forward it to the Deputy Director.**

#### **3.2 ACTION ON WRITTEN COMPLAINT**

**Upon receipt of a signed, written complaint against a Supervising Assistant Public Advocate or a Contract Attorney, the Deputy Director shall review the complaint and may take any or all of the following actions if the complaint is deemed to have merit on its face:**

- A. Contact the complainant (either in person or via telephone) for the purpose of obtaining further clarification regarding the facts alleged;**
- B. Provide the respondent attorney with a complete copy of the complaint and follow up statement if any;**
- C. Communicate with the respondent attorney to discuss appropriate action to be taken.**
- D. Any other action necessary to fairly decide the grievance. If the complaint is deemed to have no merit or is otherwise resolved it shall be closed with no further action. The Complainant will not receive any formal notice of closure. If the complaint has merit and is unresolved the complainant shall be notified of the decision and action to be taken.**

#### **3.3 REQUIREMENT OF THE REVELATION OF CONFIDENTIAL CASE INFORMATION FOR RESOLUTION OF COMPLAINT**

- A. If the Deputy Director determines that the complaint cannot be resolved without the client divulging confidential case related information, the client will be advised by the Deputy Director that the Court will need to resolve the grievance;
- B. If the complainant decides that the complainant nonetheless wishes to pursue the grievance with the court of record, the Deputy Director shall notify the respondent attorney to secure a representation hearing for the client with the court.

**3.3 DECISION BY DEPUTY DIRECTOR REGARDING COMPLAINTS THAT CAN BE RESOLVED WITHOUT THE DISCLOSURE OF CONFIDENTIAL CASE RELATED INFORMATION**

If it is determined by the Deputy Director that the complaint can be addressed without the disclosure of confidential case related information, the Deputy Director shall make a decision regarding action, if any, to be taken by the respondent attorney and shall, thereafter, advise the complainant of the decision. The decision by the Deputy Director may include reassigning the case to different counsel. Reasons for the change of counsel shall be documented in the Deputy Directors file but shall not be provided to the court, to new counsel, or to opposing counsel. After discussion with the respondent attorney, the Deputy Director may determine the matter is resolved if the requested action by the respondent attorney has already been taken or a representation hearing has occurred subsequent to the grievance.

**3.4 Request For Representation Hearing**

If the complainant decides, after notification from the Deputy Director, that the complainant nonetheless wishes to pursue the grievance with the court of record, the Deputy Director shall notify the respondent attorney to secure a representation hearing for the client with the court of record.

**\*This Grievance Procedure does not apply to the Public Guardian, Assistant Public Guardians or Guardian ad Litem.**