



## How it Works: Appeal of ODC's Dismissal of a Complaint

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After investigation of a complaint, the Office of Disciplinary Counsel has the discretion to dismiss the complaint for various reasons, such as lack of merit or lack of evidence. When a complaint is dismissed, ODC will notify the complainant and the respondent lawyer of the dismissal. ODC will also notify the complainant of the right to appeal ODC's decision to a hearing committee of the Disciplinary Board.<sup>1</sup>

If a complainant chooses to appeal ODC's decision, a copy of ODC's entire investigative file will be filed with the Disciplinary Board for assignment to a hearing committee for review. The hearing committee will review ODC's entire investigative file along with the complainant's request for review. There is no participation by the complainant or the respondent lawyer during the committee's review. The hearing committee simply reviews ODC's file, deliberates, and reaches a decision.

The hearing committee will determine whether ODC has abused its discretion by dismissing the complaint. If the committee determines that ODC has not abused its discretion, the dismissal will be affirmed. However, if the committee finds that there was an abuse of discretion, the matter will be remanded to ODC for further action. When a matter is remanded, the committee is typically directing ODC to investigate the matter further.

When a committee has affirmed the dismissal of a complaint, the complainant has the right to appeal the committee's decision to a three-member panel of the Disciplinary Board's Adjudicative Committee.<sup>2</sup> The panel will review the matter in the same manner as the committee. If the panel affirms the dismissal, the complainant may appeal the panel's decision to the Louisiana Supreme Court, which will make the final ruling on the matter.<sup>3</sup>



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<sup>1</sup> Louisiana Supreme Court Rule XIX, §4(B)(6) and §11(B)(3). A complaint dismissed by ODC at the screening phase is not appealable.

<sup>2</sup> See Louisiana Supreme Court Rule XIX, §11(A). Screening occurs before ODC decides whether to open an investigation.

<sup>3</sup> Louisiana Supreme Court Rule XIX, §30(A).

<sup>4</sup> Louisiana Supreme Court Rule XIX, §30(C).