

Grievance Procedures

(Updated July 2026)

Purpose —The Grievance Procedures of the Academy of Adoption and Assisted Reproduction Attorneys exist to enforce the Academy Code of Ethics and Bylaws, and to discipline any member of the Academy found to have committed Misconduct.

ARTICLE I. JURISDICTION

All members of the Academy are subject to these Grievance Procedures.

ARTICLE II. DEFINITIONS

A. The following definitions shall apply:

1. *Academy* — means the Academy of Adoption and Assisted Reproduction Attorneys.
2. *Board of Trustees* — means the governing Board of the Academy of Adoption and Assisted Reproduction Attorneys.
3. *Chair* — means the Chair of the Grievance Board, who shall be the Immediate Past President.
4. *Grievance* — means a written document alleging Misconduct and providing sufficient written notice to the Respondent of the charges against him or her on the prescribed Academy Grievance Form.
5. *Grievant* — means any person, group of persons, organization, or entity filing a Grievance.
6. *Investigative Panel* — means three (3) members of the Grievance Board, chosen by the Chair or their designee, to hear Grievances.
7. *Investigative Report* — means a written document signed by the Chair setting forth the name and background of the member under investigation or statement of the nature of Misconduct alleged, a recital of all facts and evidence presented pertaining to the allegations or statement of the scope of the investigation conducted, recommended findings of fact, recommended findings of Misconduct, if any, and a recommendation as to further action.
8. *Misconduct* — means acts or omissions as set forth in Paragraph IV of these Grievance Procedures, a violation of the Academy Code of Ethics or a violation of the Academy Bylaws.
9. *Respondent* — means any member against whom a Grievance is filed.
10. *Jurisdiction* — means any state in the United States, province in Canada or any state, province or territory, or any other political subdivision within any country in which an attorney is licensed or otherwise authorized to practice law.
11. *Service of Documents* — Service of any documents shall be made by any secure means, including but not limited to: overnight courier with signature required; United State Postal Service Certified Mail, return receipt requested, password protected email or any other manner in which delivery can be confirmed.

ARTICLE III. GRIEVANCE BOARD

A. The Grievance Board shall consist of at least five (5) members, including the Chair, appointed by and serving at the discretion of the Chair, with the consent of the President. The Grievance Board shall be appointed within thirty (30) days of the installation of the Chair as Immediate Past President. The

Grievance Board shall consist of members representing a diversity of practice area and geography.

B. A vacancy for any cause shall be promptly filled by appointment in the same manner as described in Article III(A).

C. Grievance Board members shall not participate in any investigation in which a judge, similarly situated, would be required to abstain or recuse themselves in accordance with Model Rules of Judicial Conduct as promulgated by the American Bar Association.

D. The Grievance Board shall have the following powers and duties:

1. Consider and investigate any alleged Grievance.
2. Conduct investigations in accordance with these Grievance Procedures, the Code of Ethics and Bylaws of the Academy.

ARTICLE IV. MISCONDUCT

A. Misconduct means any one or more of the following:

1. Violation of ethical rules or the code of professional responsibility that results in termination or suspension from the practice of law or other disciplinary action in a state in which a member is licensed.
2. Conviction of a felony, or conviction of a misdemeanor involving moral turpitude.
3. Conduct which interferes with the administration of justice or otherwise brings the Academy into serious public disrepute.
4. Conduct which violates these Grievance Procedures, including a failure to comply with the orders or requests in an investigation being conducted by the Grievance Board.
5. Conduct in violation of the Academy Code of Ethics or in violation of the Academy Bylaws.

ARTICLE V. INVESTIGATIONS

A. A Grievance shall be served on the Chair by a Grievant. The Chair may initiate and file a Grievance upon the receipt of presumptively reliable information concerning possible Misconduct of a member. The Chair shall obtain the consent of at least two members of the Grievance Board prior to filing a Grievance on the initiative of the Chair. The Chair shall serve a copy of the Grievance on the President within five (5) business days of the filing.

B. The Chair has the discretion to determine whether or not a Grievance warrants an investigation, or may be appropriate for Discipline By Consent. Where Discipline By Consent is considered, the Chair may contact the Respondent and negotiate a level of discipline consistent with the subject matter of the Grievance with the approval of the Board of Trustees. The Chair shall submit the proposed discipline to the President within twenty (20) days of the receipt of a Grievance for approval or rejection by the Board of Trustees.

C. The Chair shall decide within twenty (20) days of the receipt of a Grievance whether it warrants investigation. Immediately upon that decision, the Chair shall serve the Grievance on the Respondent

and request a response, and shall advise the Respondent that the Grievance and the response will be referred to an investigative Panel of the Grievance Board.

D. The Respondent shall have thirty (30) days to serve a written response on the Chair. The Respondent may request a reasonable extension of time in which to respond. In the event the Respondent is the subject of any investigation, complaints or other proceedings in a jurisdiction where the Respondent is licensed that arises from the same facts as the Grievance, the Respondent may request that the Chair suspend the Academy proceedings until the other proceedings have been completed. If the Respondent's request to extend the time to respond is granted and the Academy proceedings are suspended, at the conclusion of the other proceedings, the Respondent shall notify the Chair within thirty (30) days of the conclusion of the other proceedings and shall serve proof of the disposition of said other proceedings on the Chair, which may be considered by the Chair and the Grievance Board in its deliberations.

E. The Investigative Panel shall be selected by the Chair during the thirty (30) day period after the service of the Grievance on the Respondent.

F. Preponderance of the evidence is the standard for the Investigative Panel and the Board of Trustees for a finding of Misconduct.

G. The Investigative Panel shall make such inquiries as it deems advisable and may receive and consider all evidence it considers reliable, regardless of the admissibility of such evidence under the Rules of Evidence of any jurisdiction.

H. From the date of its appointment, the Investigative Panel shall complete the investigation and submit its report to the Chair within ninety (90) days after the response is received from the Respondent.

I. Upon receipt, the Chair shall forward the Investigative Report and investigative documentation to the President.

J. In exigent circumstances, the Chair may lengthen or shorten the time periods in these Grievance Procedures with the consent of the President and notice to the Respondent.

ARTICLE VI. BOARD OF TRUSTEES

A. Upon receipt of an Investigative Report, the President shall serve a copy of the Investigative Report on the Respondent within five (5) business days together with a Notice stating the time, place and date of the Board of Trustees Meeting at which the Investigative Report will be considered.

B. The Investigative Report and all investigative documentation shall be considered by the Board of Trustees at the next regular or special meeting of the Board of Trustees to decide what, if any, violation occurred, and if so, what discipline will be imposed for such violation, in accordance with Article VII (A)

of these Grievance Procedures. The Respondent shall be entitled to make a statement before the Board, in writing or in person, when the Investigative Report is considered. A vote of two-thirds of the Board of Trustees, present and voting, shall be required to determine whether Misconduct has occurred. A vote of two-thirds of the Board of Trustees, present and voting, shall be required to impose any discipline on a Respondent.

C. The Board of Trustees shall discuss and render its final decision in executive session and shall serve a written decision on the Respondent within five (5) business days. The Grievant shall be served with a statement as to the findings of the Board of Trustees.

ARTICLE VII. DISCIPLINE

A. The Board of Trustees may impose one of the following levels of discipline on a Respondent if a Grievance results in a finding of Misconduct:

1. *Termination of Membership*;
2. *Suspension from Membership* for an indefinite period of time subject to reinstatement upon application and approval by the Board of Trustees;
3. *Temporary Suspension from Membership* for a defined period of time for such a period as deemed by the Board of Trustees;
4. *Public Reprimand* admonishing a member for Misconduct by name and directing the member to cease and desist from such Misconduct in the future. A Public Reprimand shall be posted permanently on the Academy's website identifying the Member's name; or
5. *Private Reprimand* admonishing a member for Misconduct without identifying the member by name and directing the member to cease and desist from such Misconduct in the future. A Private Reprimand shall be permanently posted on the Academy's website, but shall not identify the Member.

B. A member who has been found guilty of a felony, a misdemeanor or disorderly persons offense, or terminated or suspended from the practice of law from a state in which a member is licensed, shall have their membership terminated, unless substantial mitigating circumstances exist.

C. Should the Board of Trustees determine that no Misconduct has occurred, it may order a *Dismissal of the Grievance* or issue a *Letter of Caution* advising a member that the conduct complained of does not constitute Misconduct, but that the conduct complained of should be avoided in the future.

ARTICLE VIII. RESIGNATION

A Respondent may resign from membership by delivering to the President of the Academy a statement signed by the Respondent stating that the Respondent is resigning from the Academy. Notice of the resignation shall be communicated to the membership and public in the same manner as Article XI.

ARTICLE IX. GRIEVANCE PROCEDURES TO BE LIBERALLY CONSTRUED

A. Time limitations are administrative. Failure of a Respondent to observe time limits without seeking reasonable extensions may result in additional grounds for a finding of Misconduct.

B. Failure of a Respondent to cooperate with the Investigation may result in additional grounds for a finding of Misconduct.

C. No investigation or procedure shall be held invalid by reason of any non-prejudicial irregularity.

D. These Grievance Procedures shall be liberally construed for the protection of the public, the Academy, and its members.

ARTICLE X. IMMUNITY AND CONFIDENTIALITY

A. Grievances submitted to the Academy, testimony taken, Investigative Reports, affidavits or other documents presented with respect to these Grievance Procedures shall be confidential.

B. The Respondent shall only be entitled to a copy of the Grievance and Investigative Report.

C. The Grievant shall be entitled to Notice of the disposition of the Grievance. In the event of a dismissal of a Grievance, settlement or a private reprimand, said Notice shall make it clear to the Grievant that the disposition is confidential and the identity of the Respondent shall not be made public.

D. Members of the Academy shall be immune from suit relating to any conduct in the course of their official duties or responsibilities as Academy Members, Trustees, Investigative Panel or Grievance Board.

ARTICLE XI. PUBLICATION OF DECISION TO ACADEMY AND PUBLIC

A. The Board of Trustees, through the President of the Academy, shall submit its decision for publication on the Academy website and provide other communication to the entire membership and public, except where the decision is to order a Dismissal or issue a Letter of Caution.

B. The decision shall include a disclosure of the Respondent's name, except where the discipline is a Private Reprimand, summary of the pertinent facts, findings of Misconduct and the discipline imposed. Identifying information or the identities of the Grievant(s) and other non-Academy persons, including adoptees and prospective adoptees, shall not appear in the decision. No decision shall be published where a Dismissal is ordered or a Letter of Caution is issued.

ARTICLE XII. COMMUNICATION WITH GRIEVANT

The Chair shall provide the Grievant with periodic updates about the progress of the Grievance under these Grievance Procedures, including final disposition as set forth herein. In the event the Grievant shall, in the opinion of the Chair, unreasonably request information; become hostile to the Chair or release any information concerning the Grievance to the public, the Chair may suspend communications with the Grievant and advise the Grievant that communication shall terminate until the final disposition is rendered by the Board of Trustees.

ARTICLE XIII. TIME LIMITATIONS

A grievance may not be commenced:

1. more than two years after the date of the alleged misconduct;
2. more than two years after the grievant discovers or through the use of reasonable diligence should have discovered the alleged misconduct; or
3. more than six months after a final decision from a state bar complaint or an action filed with a court of competent jurisdiction with respect to the alleged misconduct.

This time limitation is tolled for any period during which the attorney at issue has concealed any act, error or omission upon which the grievance is based.

ARTICLE XIV. GRIEVANCE DOCUMENT RETENTION

At the conclusion of any Grievance matter, the Grievance Chair shall provide the Executive Administrator with a PDF of their entire file along with a certification that the PDF is a complete and accurate copy of the entire file. The hard copy file shall be securely destroyed by the Grievance Chair. The Executive Administrator shall create an electronic file and maintain all electronic Grievance files. The electronic files shall be stored only on a password protected hard drive that shall be maintained at the Academy offices. The password shall be known to and maintained by the Executive Administrator, who shall inform each President of the location of records in which the Password can be found.

ARTICLE XV. AMENDMENTS

Any changes or amendments to the AAAA Grievance Procedures shall be made in the same manner as set forth in Article XI of the Bylaws of the Academy of Adoption and Assisted Reproduction Attorneys.