

**RULES GOVERNING THE
LAWYER REFERRAL SERVICE
OF THE
SONOMA COUNTY BAR ASSOCIATION
FOR SONOMA COUNTY PANELISTS**

I. MISSION

The goal of the Lawyer Referral Service (LRS), a program of the Sonoma County Bar Association (Association), is to make legal services available to the public by providing a convenient and effective means by which a person may be referred to an attorney panelist (Panelist) of the LRS; to encourage members of the public to seek needed legal services; and to promote high standards of professional competence, integrity, and legal service in an increasingly complex society.

II. ADMINISTRATION

- A. The LRS shall be supervised in its operations by the Board of Directors (Board) of the Sonoma County Bar Association. The Board shall have the power to delegate to the Lawyer Referral Service Advisory Committee (Committee), which shall act as the governing committee under the State Bar of California Minimum Standards for Lawyer Referral Services in California and shall have such duties and responsibilities as are necessary and proper for the supervision of the LRS. The President of the Association shall appoint the Committee.
- B. The Executive Director of the Association shall employ a staff to administer the LRS under the supervision of the Board, Executive Director, and the Committee, pursuant to these rules.
- C. The Committee shall review records and reports, review applications for panel membership submitted on an equivalent experience basis, preside over membership termination proceedings, and promote the activities of the LRS.
- D. The LRS staff shall keep LRS records, arrange marketing and publicity for the LRS, develop any required reports, respond to any program requests by the Board, Executive Director or the Committee, and undertake any other duties consistent with the mission of the LRS.
- E. Attorneys who register with the LRS agree to furnish any requested information for the purpose of evaluation of the LRS.
- F. The Association and the Committee expressly reserve the right to decline to make the LRS available to any person.

III. MEMBERSHIP & ELIGIBILITY

- A. In order to be eligible for membership in the LRS, an attorney must:
 - 1. Be an active member in good standing with the State Bar of California;
 - 2. Be engaged in the active practice of law on a full-time basis;
 - 3. Maintain his or her professional office for the practice of law in Sonoma County;
 - 4. Be available for consultation with clients referred by the LRS during the hours of 9:00a.m. to 5:00p.m. Monday through Friday;

7. **General:** For attorneys with experience in an area for which there is not a designated panel, such as Lemon Law, Consumer Protection, Construction Defect, etc. Panelist must have handled two cases in the stipulated area of law.
8. **Immigration:** Two immigration cases (including one contested).
9. **Insurance:** Two Insurance Law cases including one to settlement.
10. **Intellectual Property:**
 - a) *Patent:* Admitted to practice before the U.S. Patent and Trademark Office; one patent application; one response to an U.S. Patent and Trademark Office action.
 - b) *Copyright:* One copyright application through Certificate of Registration.
 - c) *Trademark:* One trademark registration.
11. **Juvenile:**
 - a) *Dependency:* Eight hours training and education in juvenile dependency law or six months of regular appearances in dependency proceedings.
 - b) *Criminal:* Same as adult cases.
12. **Landlord/Tenant:** Represented either landlord or tenant in two disputes and one unlawful detainer action through disposition.
13. **Legal Malpractice:** Two legal malpractice cases, including one to settlement conference, ADR, or trial.
14. **Medical Malpractice:** Two medical malpractice cases, including one to settlement conference, ADR, or trial.
15. **Personal Injury:** Litigated, settled or tried four personal injury cases.
16. **Probate/Estate Planning:**
 - a) *Wills and Trusts:* Prepared and supervised execution of three dispositive instruments including one inter vivos trust.
 - b) *Probate/Guardianship:* Two proceedings involving: probate of a will, estate administration, termination of a joint tenancy of real property, a guardianship or conservatorship.
17. **Real Estate:**
 - a) *Transactions:* Two sales or purchases and negotiated or reviewed two leases.
 - b) *Litigation:* Two cases to disposition other than unlawful detainer.
18. **Restraining Orders:**
 - a) Two restraining order cases involving criminal law.
 - b) Two Civil Harassment Restraining Order cases
19. **Social Security Appeals:** Two administrative law proceedings regarding Social Security, SSI, Medicare, or MediCal benefits to disposition.
20. **Tax:** One of the following: 1) CPA, MBA, or LLM in Taxation; 2) 20% of practice in tax law; 3) two proceedings in Appellate Division, IRS, or Tax Court.
21. **Workers' Compensation:** Four industrial compensation cases through final disposition, including at least one WCAB hearing and one petition for reconsideration.

IV. FEES & REPORTS

- A. The annual membership dues are \$70 per Panel.
- B. Membership dues are payable on April 1st of each year.
- C. A client referred to a Panelist pays a \$50 referral fee to the LRS in advance of the initial consultation with the attorney. This fee is waived for personal injury cases, workers' compensation claims, and Social Security appeals.
- D. Panelists shall forward to the LRS 12.5% of attorney's fees received for any case referred to them by the LRS. All forwarding fees are to be paid within 20 days of receipt by the attorney of any and all fees, regardless of whether or not the case is open and/or legal services are still being provided to the client.
- E. Monthly statements, referred to as **Case Status Reports**, are sent to each Panelist with open cases. These reports are to be returned to the LRS within 20 days, with the status of each case recorded and the forwarding fees included. Any Panelist who does not return the Case Status Report in a timely manner will be suspended from receiving any referrals until the report is received. Continued failure to return the Case Status Reports will result in a hearing for termination before the Committee. An additional interest charge at the maximum legal rate may be assessed upon any fees not received by the LRS after 60 days from when the attorney received payment of fees. *Upon request, the Panelist shall provide the LRS with copies of all fee agreements and client billing statements.*
- F. If a dispute between a Panelist and a LRS referred client arises over attorney's fees, the dispute shall be submitted, upon client request, to the State Bar of California's Fee Arbitration Program for binding arbitration.
- G. The Panelist and the client shall establish a fee arrangement in advance if any of the following occur: the Panelist expects to seek compensation for consultation time beyond the initial thirty minutes or for service (such as the preparation of any legal document or representation in any case or venture); the client requests additional consultation time and/or further services. LRS strongly recommends that all fee agreements be in writing.
- H. When fee arrangements for compensation are being agreed upon, the Panelist shall give due consideration to the client's ability to pay when fixing the terms of the fee agreement.

V. REFERRAL PROCEDURES

- A. Any person may contact the LRS and request a referral to an attorney. LRS shall determine if the Service is able to provide the person with a referral, and if so, which panel best suits the person's needs.
- B. The LRS will provide the client the contact information of the Panelist; the client will then call the Panelist directly to arrange an appointment that is mutually convenient between the Panelist and the client.
- C. LRS will refer all matters to Panelists on a rotational basis, subject to certain factors such as geographic location, foreign language needs or wheelchair accessibility, etc.
- D. Each panel shall rotate independently. When a referral is made to a Panelist, he/she shall be placed at the bottom of the particular panel's rotational order. If a Panelist refuses a case, he/she loses his/her turn and will not be offered another case until all other attorneys have gone through the rotation.
- E. The Panelist receiving the referral may not transfer the referral to any other attorney (regardless of whether or not the attorney is within the Panelist's office). Failure to observe this provision will result in suspension of referral privileges.

- F. The Panelist shall not discriminate against a LRS client on the basis of race, color, sex, age, religious creed, national origin, ancestry, sexual orientation, disability, medical condition, marital status, political affiliation or veteran status.
- G. The Panelist shall not knowingly violate any provision of the **STATE BAR ACT OR RULES OF PROFESSIONAL CONDUCT**, including, but not limited to, restrictions against unlawful solicitation and false and misleading advertising.
- I. If a Panelist fails to show up for a scheduled appointment, meet with a client or provide the half-hour consultation, then he/she is responsible for the referral fee along with an explanation to the LRS as to why the appointment was missed. If a second incident occurs, the Panelist will be brought before the Committee for further disciplinary action, including possible termination from the LRS.
- J. Client surveys are reviewed on a regular basis to evaluate the quality of services provided by the LRS and Panelists. Any Panelist who consistently does not meet client needs may be suspended or terminated from the referral service. Client surveys also report any legal fees paid to the Panelist. This information is compared to any legal fees reported by the Panelist.
- K. Every Panelist is expected to handle LRS referred clients with the same courtesy and diligence as non-LRS clients.
- L. No Panelist shall be obligated to render service beyond the initial half-hour consultation.
- M. It shall be the obligation of the Panelist to determine at the outset of a referral or consultation if a conflict of interest exists. If a conflict is determined, the Panelist shall immediately report this information to the LRS in order to facilitate the referral of the client to the next available Panelist.

VI. SUSPENSION AND/OR TERMINATION OF MEMBERSHIP

- A. Membership on the LRS may be temporarily suspended by the Program Director or terminated by a vote of a majority of the Committee upon a showing by a preponderance of the evidence that any of the following has occurred:
 - 1. Failure to pay the annual membership dues within 30 days of notice;
 - 2. Failure to collect and forward any and all fees within the appropriate time;
 - 3. Failure to consistently return Case Status Reports within the appropriate time;
 - 4. Failure to maintain continuous eligibility, insurance, and qualifications under Association Rules;
 - 5. Providing false information to the LRS or clients;
 - 6. Commencement of disciplinary proceedings against the Panelist by the State Bar of California;
 - 7. A decision by the State Bar of California to impose disciplinary action against the Panelist;
 - 8. Unexcused failure to meet clients at the appointed time;
 - 9. Display of rude or belligerent attitude toward LRS staff or clients;
 - 10. Failure to provide the half-hour consultation;
 - 11. Repeated failure to respond to telephone calls or letters from clients or LRS staff;

12. Failure to have a clear fee agreement with the client. (Note: It is the policy of the State Fee Arbitration Committee to accept the client's interpretation of the fee agreement in the event the fee arrangements have not been made in writing);
13. Failure to keep client informed of the progress of the case;
14. Repeated failure to accept referrals from the LRS;
15. Failure to respond to or cooperate in the resolution of a client complaint;
16. Use of duress to collect fees from a client;
17. Unexplained delay of the case by Panelist which resulted in depriving a client of timely economic benefit;
18. Failure to return files promptly to a client;
19. Unexcused failure to file legal action or decline representation promptly after consultation with client and research of case; and
20. For any other good cause which is in the interest of the LRS, as determined by the Committee.

B. Termination Hearing:

1. A hearing to decide whether a Panelist's LRS membership should be terminated shall be conducted by the Committee or a sub-committee delegated thereof.
2. The decision shall be rendered by a simple majority of the members constituting the hearing body.
3. Panelists shall be given written notice not less than 15 days before the scheduled hearing. The notice will include the asserted grounds for termination and the date, time, and place of the hearing.
4. The LRS will not make any referrals to the Panelist pending a determination of continued eligibility.
5. The Committee shall render a written decision within 15 days following the termination hearing.
6. Decisions by the Committee to terminate membership are conclusive.

C. Withdrawal from Membership:

1. A Panelist may withdraw from LRS membership at any time upon written notice to the Program Director.
2. A Panelist who withdraws from LRS membership shall remain obligated as follows:
 - a) The panelist shall complete the cases in progress or refer the client(s) back to the LRS for a new referral;
 - b) The Panelist shall remain obligated to the LRS for any forwarding fees which remain owed to the LRS or which become due according to paragraph IV;
 - c) No portion of any dues or fees already paid by the Panelist to the LRS will be returned;
 - d) No unpaid fees due the LRS shall be discharged.

VII. COLLECTION OF OVERDUE AND/OR UNDER-REPORTED FORWARDING FEES

Following suspension and/or termination of LRS membership, if a former Panelist continues not to comply with the reporting requirements or continues to claim having received little or no legal fees from any LRS

clients, the Committee shall invoke the following collection procedure policy. *The Committee may also invoke this procedure policy with respect to current Panelists that continually claim having received little or no legal fees from any LRS clients.*

- A. Thirty days after issuing the first Case Status Report following formal suspension and/or termination of membership (or at any time in the case of current Panelists suspected of under-reporting legal fees earned from LRS clients), the Committee shall send, via certified mail, a letter requesting billing records for outstanding LRS cases, pursuant to Rule IV (E), above.
- B. At the same time, the Committee shall communicate via mail or telephone with Panelist's LRS clients requesting information regarding fees paid, etc. to Panelist.
- C. Thirty days later, if the Panelist has not produced the requested information and submitted the appropriate forwarding fees, the Committee shall attempt to schedule a personal visit by a member of the Committee to physically review billing records, to engage Panelist in a discussion re nature, extent and seriousness of the problem, and to attempt to reach a mutually agreeable resolution and/or timetable for resolution. The Committee may, if the Panelist is willing, invite a third-party mediator to assist in the resolution of the dispute.
- D. Thirty days later, if no resolution has been reached, the Committee shall initiate a binding arbitration proceeding with the Panelist, as per Section 6, paragraph (b), of the LRS Attorney Agreement. This binding arbitration shall be before a single arbitrator to be appointed from the Sonoma County Bar Association Fee Arbitration Panel. The procedure to be followed in any such arbitration shall be as set forth in the rules and procedures of the Sonoma County Bar Association Fee Arbitration Program for the binding resolution of attorney-client fee disputes by a single arbitrator. The Panelist shall pay any and all administrative fees and costs charged by the Fee Arbitration Program.
- E. If the Panelist refuses to submit to the arbitration or adhere to its findings and results, the Committee shall initiate formal collection and/or legal action against Panelist, up to and including a lawsuit for fraud and breach of contract. The Committee shall also file a formal complaint against the Panelist with the State Bar of California.

VIII. AMENDMENTS

The Executive Director, LRS Advisory Committee, and Board of Directors have a continuing responsibility to seek ways and means of improving the quality of the legal services provided by the Lawyer Referral Service and the efficiency of its operation. From time to time changes and additions to these rules may be made to that end.

This document supercedes any and all previously written Rules Governing the Lawyer Referral Service of the Sonoma County Bar Association for Sonoma County Panelists.

Revised 2/2009