

Ventura County Bar Association
Lawyer Referral and Information Service
Rules of Operation



As Amended March 2001

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1 PURPOSE

- 1.1 The purpose of the Lawyer Referral and Information Service (hereinafter called Service or LRIS) shall be to make affordable legal services more available to the general public by providing a mechanism by which clients in need of legal services who are able to pay at least some attorneys fees, are referred to lawyers who are interested in, and competent to handle, their legal problems in accordance with the Minimum Standards set forth by the State Bar of California.
- 1.2 The goal of the Ventura County Bar Association and the LRIS is to continually improve the quality of service it provides to clients and attorneys.

2 ADMINISTRATION

- 2.1 The area served by the Service shall be Ventura County.
- 2.2 The Service shall be supervised in its establishment and operation by a committee to be known as the Lawyer Referral and Information Service Steering Committee (hereinafter called Committee). Said Committee shall have full authority to make all decisions necessary to conduct the Service.
- 2.3 The Committee shall have the responsibility of regularly reviewing these Rules and making such changes and additions as may, from time to time, be deemed appropriate to carry out the purposes set forth above.
- 2.4 Members of the Committee shall be appointed by the president of the Ventura County Bar Association with the advice and consent of the Executive Committee. Additionally, the Executive Director of the Ventura County Bar Association shall serve as a Committee member.
 - 0.0.1 At least fifty percent (50%) of said Committee members shall be active members of the State Bar of California and the Ventura County Bar Association.
 - 0.0.2 No more than fifty percent (50%) of said Committee members shall receive referrals from the Service.
- 2.5 The Committee expressly reserves the right to decline to make service available to any person.
- 2.6 A quorum shall be present in order to conduct all business.
- 2.7 The Service shall be subject to the policies, rules, and regulations of the State Bar of

California which rules shall supersede those rules of the Service in case of conflict. Due consideration shall also be given to the Handbook of the Standing Committee on Lawyer Referral Services of the American Bar Association.

- 2.8 The Committee shall meet at regular intervals to review records and operations of the Service including whether the client was satisfied with the lawyers handling of the case. Based on its review, the Committee shall make such alterations in the operation of the Service as it deems necessary.

3 MEMBERSHIP

- 3.1 Each member of the Service shall be an active member of the State Bar of California.

- 3.2 Each member of the Service shall be covered at all times by errors and omissions insurance with a minimum coverage of \$100,000/\$300,000. Proof of such coverage as required by the Service shall be submitted with the attorneys application for panel membership; and thereafter on the anniversary date of said policy. Failure to comply with the above shall result in immediate suspension from the Service.

- 3.3 Each member of the Service must have their primary office within Ventura County.

3.4 Quarterly Registration Fee

- 0.0.1 \$50, non-refundable fee, per quarter for attorneys who are active members of the Ventura County Bar Association.

- 0.0.2 \$75, non-refundable fee, per quarter for attorneys who are not members of the Ventura County Bar Association.

- 3.5 The quarterly registration fee is due and payable on January 1st, April 1st, July 1st and October 1st of each year. The fee is delinquent if not paid within thirty (30) days of the beginning of the quarter. Any panel member whose registration fee is delinquent shall be immediately suspended WITHOUT NOTICE and shall not be reinstated until the required registration fee has been paid.

3.6 Reporting Procedures

- 0.0.1 On the first and third Friday of each month, the panel attorney shall be sent a *Status Report* requesting the status of all referrals made during that period. The attorney shall indicate on the form the status of all referrals and return the form to the LRIS office within thirty (30) days from the date of the report.

- 0.0.2 At the end of the thirty (30) day period, if the *Status Report* has not been returned, the panel attorney shall be immediately suspended from all LRIS panels pending

the return of the report.

- 0.0.3 Quarterly, the panel attorney shall be sent a *Quarterly Status Report* requesting the status of specific pending referrals. These referrals include those which have either (1) not been reported, or (2) were previously reported as a No Show or Void, No Contact, but which may have since seen or spoken to the attorney. The panel attorney shall indicate the status of said referrals and return the form to the LRIS office within sixty (60) days from the date of the report.
 - 0.0.4 At the end of the sixty (60) day period, if the *Quarterly Status Report* has not been returned, the panel attorney shall be immediately suspended from all LRIS panels pending the return of the report.
 - 0.0.5 The committee shall determine the appropriate action to be taken for the collection of any monies due the Service. The Service has the option to send outstanding past due accounts to the Ventura County Small Claims Court or to an independent collection attorney for legal action. Accounts shall be charged 10% annually for past due amounts. Any panel attorney with a past due account of over six (6) months may be reported to a major credit card company.
- 3.7 Each panel attorney shall submit any fee dispute arising between such member and a client referred by the Service, if the client so elects, to binding arbitration through a Mandatory Fee Arbitration Program as designated by the Ventura County Bar Association. The disposition of all other complaints shall be determined by the Committee.
- 3.8 Each panel attorney shall receive copies of and agree to abide by the State Bar of California Minimum Standards for a Lawyer Referral Service in California and by the Rules of Operation of the Ventura County Bar Association Lawyer Referral and Information Service.
- 4 FEES
- 4.1 Referral Fees
- 0.0.1 The panel attorney agrees to afford the referred client a one-half (2) hour consultation for a nominal fee, which fee shall be set by the Committee. Said fee shall be remitted to the Service as a Client Referral fee. If the panel attorney intends to charge the client his/her regular hourly fee for the time spent beyond the initial thirty (30) minute consultation, the attorney shall inform the client of his/her intentions at the beginning of the initial interview.
 - 0.0.2 The panel attorney shall be responsible for returning to the Service the amount of the initial consultation fee (Client Referral fee) within thirty (30) days from the

receipt of said fee.

- 0.0.3 Each client referred shall be obligated to pay the established Client Referral fee to the attorney at the time of the consultation, unless otherwise excused. No fee shall be required which is in conflict with statutory or other legal provisions for the award of attorney fees.

4.2 Forwarding Fees

- 0.0.1 Each referral made to panel attorneys on the Torts and Malpractice Law Panels which generate a fee, contingent or otherwise, shall obligate the panel attorney to pay a Forwarding fee to the Service. Said Forwarding fee shall be determined by the Committee. In addition, the rules set forth by the State Bar of California require each panel attorney to forward an itemized accounting of the case settlement and attorneys fees collected.
- 0.0.2 At the conclusion of a case, each panel attorney shall return to the Service the prescribed forwarding fee on all net fees realized as a result of a referral.
- 0.0.3 Should any collection efforts be commenced between the Service and the panel attorney, the Service shall be entitled, in addition to such other relief as may be obtained, all reasonable attorneys (or attorneys) fees and costs.

5 REFERRALS

- 5.1 The Service shall maintain and operate through the use of specific subject matter panels. The Committee shall establish specific subject matter panels to meet special client needs and for those areas of the law as it deems appropriate.
- 5.2 The requirements for membership on each individual subject matter panel shall be established by the Committee.
- 5.3 Any person, regardless of place of residence, may contact the Service and request a referral to an attorney. However, the Service shall be under no obligation to refer any person to more than three (3) attorneys on any one subject matter.
- 5.4 The Committee shall establish procedures assuring that each referral is made by the Service in a fair and impartial manner to a member of the appropriate panel pursuant to the purposes of the Service.
- 5.5 Referrals shall be made on a rotational basis. A separate rotation system shall be maintained for each subject matter panel. Consideration will be given to the specific type and difficulty of the legal problem presented, the clients geographic location preference, and language limitations.

- 5.6 Pursuant to the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services, no referral shall be made on the basis of race, sex, age, religion, national origin, sexual preference or any handicap.
- 5.7 Should any referral give rise to a conflict of interest, the panel attorney shall contact the Service, obtain a new referral for the client, and cooperate in assisting the referred client to obtain legal consultation concerning his/her problem. Nothing in these Rules shall be construed to obligate a panel attorney to accept employment beyond the initial consultation.
- 5.8 If an attorney to whom a client is referred elects not to accept a referral, s/he shall not refer the client to another attorney in his/her office but rather shall refer the client back to the Service for referral to another attorney on the Service.
- 5.9 A panel attorney may transfer a referral to another attorney provided that the attorney is a panel member of the Service.
- 5.10 Each panel attorney may select no more than a maximum of six (6) subject matter panels. Specific requirements for membership on the Service shall be established by the Committee. Membership on the panels shall be by written application only. Completed applications shall be submitted on a form(s) approved by the Committee. Said application shall set forth the experience requirements for membership.

6 OPTIONAL PANELS

- 6.1 Experienced Panel At your option and at the discretion of the Committee, you may be placed on the Family Law and/or Criminal Law Experienced Panel if you are sufficiently experienced. The requirements for membership on the experienced panels shall be established by the Committee.
- 6.2 Attorney to Attorney Panel At your option and at the discretion of the Committee, you may be placed on the Attorney to Attorney Panel if you are sufficiently educated and/or experienced so that you qualify to advise other attorneys in a particular field.

7 REMOVAL GROUNDS

- 7.1 A panel member attorney may be subjected to corrective action over a period designated by the Service; or, at the sole discretion of the Service acting through its Oversight Committee (“Committee”), immediately removed from serving on one or all of the panel(s) for which the attorney is registered, for any of the following reasons:

- 0.0.1 Failure to pay any fee required by the Service.

- 0.0.2 Retaliation to a client who returns a client survey that is either favorable or unfavorable
 - 0.0.3 Disproportionate reports of dissatisfaction by referred clients.
 - 0.0.4 Charging unreasonable or excessive fees for services rendered to referred clients.
 - 0.0.5 Falsification of any statement, account or report to the Service.
 - 0.0.6 Willful failure to return any report or otherwise abide by the Rules of the Service.
 - 0.0.7 Signing a certificate which is untrue in any material respect.
 - 0.0.8 Evidence of unethical or unprofessional conduct.
- 7.2 As an alternative to immediate removal from one or all of the panel(s), at its sole discretion, the Committee may initiate contact with the panel member attorney to rectify specific problems identified in one or more complaints received from client(s) referred to the panel attorney. A Remedial Action Plan (“Plan”) may be developed by the Committee and imposed as a requirement for continued panel members. If the specific area complained of is not improved within the time period specified by the Committee in its Plan, the Committee may, as its sole discretion, terminate the attorney’s membership one or all of the attorney’s panel(s).
- 7.3 Should any litigation be commenced between the Service and a panel attorney regarding the rights and obligations of either party, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for their attorneys fees and court costs in such litigation.

8 CLIENT RELATIONS

- 8.1 The Service shall communicate with clients referred as follows:
- 0.0.1 The Service shall distribute client questionnaires to one hundred percent (100%) of the clients referred by our office to panel attorneys to determine the clients satisfaction with the lawyers handling of the case and whether the client felt the fee charged was reasonable.
 - 0.0.2 A sufficient communication with contingency fee clients to determine whether there is substantial compliance with the 10% fee requirement.
 - 0.0.3 A sufficient communication with clients to obtain a significant sample of their

opinions with regard to any panel attorney whom the Committee suspects is (1) in breach of these rules or professional standards, (2) over-charged clients, (3) servicing clients as a standard below that which the Committee determines is required to maintain panel membership.

9 HELPFUL HINTS

The number of referrals a panel attorney receives is directly related to the following:

1. The number of panels s/he serves on;
2. The types of cases s/he will accept;
3. How accessible his/her office is;
4. How available s/he is for appointments;
5. How flexible s/he is with fee arrangements.

9.1 Initial Consultation Fee

Each client referred by LRIS is informed that they will be expected to pay in advance, and they should come to your office prepared to do so. If we can gain your cooperation in having your secretary ask for the fee before any service is given, you will have the opportunity of withholding service until the client has paid the necessary fee.

9.2 Most Beneficial Relationship

Experience has shown that the offices with the most efficient-working relationship with LRIS, and thus the most beneficial, are those where the secretary reports on the status of cases and transmits fees promptly. We will be happy to have a member of our staff meet with your secretary and acquaint him/her with our forms and reporting procedures.

9.3 Problem Areas

Our panel membership applications are designed to find out which types of cases you wish to receive. Additionally, an LRIS staff member will contact your office and explain the clients situation. You will then have the option of accepting the referral. The LRIS staff member will then set the appointment and confer the time and date with the client. There may be times when a client will be referred on an issue that you do not wish to handle. PLEASE never tell a client that you do not handle his/her type problem. LRIS represents to the public that they will be referred to an attorney who handles their type of legal problem.

If after interviewing a client you discover you do not wish to accept or handle that particular case, please refer the client back to LRIS. You are not allowed to refer a client to another attorney who is not an LRIS panel member. If you refer a client to an attorney who is not an LRIS panel member in violation of the rules, you will be obligated to remit to LRIS the Client Referral fee and any applicable Forwarding fee on that case.

9.4 Policy for Out-of-State Referrals

In the event that a client from out-of-state or out of the area should contact the LRIS, the Service will set up a telephone consultation appointment with you. An LRIS staff member will obtain the clients credit card information for the Client Referral fee prior to giving out your name and number. If the client retains the you to perform services, you will be obligated to remit to LRIS any applicable Forwarding fee.