



ATLANTA BAR ASSOCIATION LAWYER REFERRAL AND INFORMATION SERVICE OPERATING RULES

The Board of Trustees for the Lawyer Referral and Information Service shall be responsible for the general oversight of the Lawyer Referral and Information Service. It shall have the authority to accept and deny membership to the Lawyer Referral and Information Service panel. It shall also be responsible for the organization and coordination of ancillary public service programs that relate to the operation of the Lawyer Referral and Information Service.

1. PURPOSE

- 1.1. The purpose of the Lawyer Referral and Information Service (LRIS) is to provide a public service to the Atlanta Community by providing access to lawyers and legal help to individuals who need assistance with legal problems.

2. THE BOARD

- 2.1. The LRIS is a committee of the Atlanta Bar Association (the “Atlanta Bar”) and shall be operated under the general supervision and control of the LRIS Board of Trustees (the “Board”).
- 2.2. The President of the Atlanta Bar (the “President”) shall appoint a Chair of the Board (the “Chair”).
- 2.3. Any active, honorary or life members of the Atlanta Bar may volunteer to serve on the Board. New members of the Board shall be appointed in consultation between the President/President-Elect and the Chair. The members shall serve two-year terms. The terms shall be staggered to ensure continuity of the Board.
- 2.4. All members of the Board shall be members in good standing with the Atlanta Bar.
- 2.5. The Chair shall recommend for appointment to the Board such number of members as necessary to fill any vacancies on the Board.

- 2.6. The Board shall establish the policies and procedures of the LRIS and perform such other duties as may be delegated to it by the Atlanta Bar and the Chair.
 - 2.7. The Board shall have the authority to adopt and implement policies and regulations consistent with these Operating Rules.
3. PANEL MEMBERSHIP ELIGIBILITY
- 3.1. Applications are available from LRIS, 400 International Tower, 229 Peachtree Street, NE, Atlanta, Georgia 30303-1601, (404) 521-0781. All applicants must meet the following requirements:
 - 3.1.1. State Bar member in good standing;
 - 3.1.2. Must be engaged in the practice of law on a full time basis and must maintain a law office suitable for reception of clients during normal business hours; and,
 - 3.1.3. Carry professional liability malpractice insurance with policy limits of at least \$100,000/\$300,000 and agree to maintain such coverage during the period of panel membership.
 - 3.2. All applicants must complete and sign a waiver form authorizing the LRIS to examine any and all disciplinary material which is presently pending on file with the State Bar of Georgia or its successor bodies or disciplinary boards of any other jurisdiction. The panel member agrees that this waiver will remain binding as long as the member serves on the LRIS referral panel.
 - 3.3. Any applicant who has received disciplinary action from the State Bar of Georgia or the disciplinary board of any other jurisdiction, will not be eligible for LRIS membership with the following exceptions:

It has been at least three years since the discipline imposed was satisfied and at the sole discretion of the board. This applies to all forms of discipline including informal admonition as well as public discipline, suspension of a license or disbarment.

4. AREAS OF PRACTICE

- 4.1. An applicant may receive referrals in areas of the law in which he/she practices and is competent to handle such cases in accord with Rule 1.1 of the Georgia Rules of Professional Conduct.
- 4.2. Panel members can choose a maximum 10 sub-category selections. Additional areas may be selected for a fee of \$25.00 for each additional area.
- 4.3. Certain category selections require the panel member to meet specific criteria beyond the general membership criteria for the LRIS. The panel member would need to complete and sign a special criteria form in order to receive referrals for that express area of the law. Those areas of law include: Bankruptcy, Contested Divorce, Child Custody Disputes, Felonies, Immigration, Medical Malpractice, FMLA and FLSA. Veterans Affairs/Military Law, Workers' Compensation.

5. PANEL MEMBERSHIP

- 5.1. Once an applicant has been approved for panel membership, he/she will be notified in writing of such approval.
- 5.2. All panel members must charge a fee of \$45.00 for the initial 30minute consultation with the client. A consultation is considered to be an office or home visit with the client or a 30 minute telephone conference.
- 5.3. The \$45.00 consultation fee is waived for the following areas:

American Disability Act, Asbestos, Aviation, Bankruptcy, Civil Rights, Dental Malpractice, Employment Discrimination, ERISA, False Arrest, Insurance Law, Employee Labor Law, Legal Malpractice, Libel/Slander, Long Term Disability, Military & VA Law, Medical Malpractice, Negligence, Nursing Home Issues, Pension Issues, Personal Injury, Premises Liability, Product Liability, Sexual Harassment, Slip and Fall, Social Security, Federal Workers Compensation, Unemployment Compensation, Workers' Compensation, Wrongful Death.
- 5.4. A panel member is permitted to charge his/her normal fees after the initial 30-minute consultation, but must advise the client of how such fees are determined prior to the commencement of the consultation.
- 5.5. Fee disputes with referral clients shall be submitted to an appropriate Georgia State Bar fee arbitration program for resolution, if requested by the referral client.

6. CASE REFERRALS AND PANEL FEES

- 6.1. Once the applicant has complied with all the requirements under these operating Rules and has remitted the appropriate membership fee, he/she will be placed on the LRIS computer system.
- 6.2. The computer system automatically places the panel member in the proper rotation for each specific category of law chosen.
- 6.3. Each category of law rotates independently and the referral client is given the option of which geographical area in which they would prefer the attorney.
- 6.4. LRIS staff makes referrals to clients based upon the information provided by the client. Before any referral is made, the client is told the following:
 1. The first 30-minute consultation with the referral attorney will cost \$45.00 with the exception of the areas of law listed in rule 5.3. This fee should be paid to the panel attorney at the time of consultation and forwarded to LRIS; and
 2. Fees after the initial 30-minute consultation need to be discussed with the referral attorney.
 3. LRIS will provide panel attorneys with client referral release forms for the client to complete upon his/her arrival for consultation. This form shall be forwarded to LRIS, along with the \$45.00 consultation fee.

The LRIS staff inputs data taken from the client (name, address, telephone number, and category of law needed) into the computer system, which then generates the name of the next panel member slated to receive a referral for that particular area of the law. The LRIS staff will then provide the client with the referral. All referrals are made in the order in which they are generated by the computer program.

- 6.5. After the referral has been made, the computer will generate written notification to both the client and to the attorney of the referral.

6.6. Panel members shall pay to LRIS a percentage of any fees earned from clients referred through the Service, according to the following schedule:

| <u>Attorney's Fee</u> | <u>Percentage of Fee to be Given to LRIS</u> |
|-----------------------|---|
| \$0 to \$500 | no fee |
| over \$500 | 15 percent of attorney's fee in excess of \$500 |

6.7. If panel members are advising a client in an area of law in which fees charged are regulated, the panel member may not charge a client more than the amount permitted by law.

6.8. LRIS panel attorneys may not increase fees charged to the referred client because of any charges associated with the attorneys' participation in the LRIS program.

6.9. All percentage fees are due and payable to the Atlanta Bar Association within thirty (30) days of receipt of payment of the fee, by the panel attorney.

6.10. The panel member must provide follow up with the LRIS as to the status of a case referral within thirty (30) days from the date the referral was made, including the remittance of consultation fees owed the LRIS for services rendered by the panel member.

6.11. Failure to remit follow up forms, consultation fees and/or percentage fees may result in panel member suspension. Panel membership will be reactivated when compliance with Rules 6.9 and 6.10 has been completed.

6.12. LRIS may contact clients from time to time to determine amounts paid as fees to LRIS panel attorney. LRIS panel attorneys agree to have their LRIS clients execute an "Acknowledgement of Understanding" agreement, in a form the same as or similar to that provided by the LRIS, or which would be included in the LRIS attorney-fee contract form, whereby the client acknowledges that information about attorney fees and expenses paid or received by the LRIS attorney in their case can be released and reported to the Atlanta Bar Association's LRIS. For all referrals of clients from the LRIS to LRIS panel member attorneys, the attorneys agree to keep records of fees and expenses charged to and collected from the client, including fees earned on a contingent bases, for five (5) years from the conclusion of the representation for each such client. LRIS attorneys agree to submit reports to the LRIS regarding fees

billed and/or collected from LRIS clients reflecting the amount of fees due and owing to the LRIS in accordance with the fee sharing terms of Operating Rule 6.6. The LRIS may from time to time request fee accounting reports from its panel member attorneys. Upon such request, the panel member attorneys shall be expected to submit such reports within ten (10) days of the date of request from the LRIS. Should, in the LRIS Board's judgment, it become necessary to audit the records of fee and expenses paid or received by LRIS panel member attorney, the LRIS panel attorney shall promptly make such records available for review and audit by the LRIS. Should an audit reveal a shortfall in fees due and owing to the LRIS, the LRIS panel attorney shall be expected to pay such fees to the LRIS within thirty (30) days. LRIS panel member attorneys shall have the right to review and dispute the findings of an LRIS audit, and if the differences cannot be resolved by agreement, the matter shall be referred to and decided by the LRIS Board.

- 6.13. A LRIS referred matter is subject to the required referral fee. All matters "substantially related to" (as this term is construed in relation to American Bar Association Rule 1.9) the original LRIS referred matter are considered the same LRIS referral, therefore a percentage fee is required. If the referred client retains the panel attorney for a matter that is not substantially related to the original LRIS referred matter, such a matter shall only be treated as a new LRIS referral, subject to the required percentage fee, if the panel attorney is retained within six months from the date of the LRIS referral or from the date of the initial consultation (whichever is later).

Once LRIS generates the referral, the panel member shall consider the referral as processed by LRIS, subject to the terms and conditions herein set forth.

When LRIS has made a referral to a panel member, the panel member may not recommend or refer another attorney, who is not a member of the Atlanta Bar Association LRIS, to the client without prior notification to the LRIS service. If a panel member refers the client or matter to another attorney, it is the responsibility of the referring attorney to provide LRIS with the name(s) of the attorney(s) and secure agreement by the referring attorney to pay appropriate fees. A panel member who transfers, in whole or in part, responsibility of any matter referred by LRIS to another attorney(s) without permission of LRIS, shall be contractually liable for any fees owed and remain liable for collection and/or payment of any fees owed LRIS.

- 6.14. Panel attorneys shall be responsible for completing a monthly report stating the status of referrals. All referrals are recorded as “outstanding” until this report is returned to LRIS. If there are 20 or more such “outstanding” referrals, the panel member may be removed from the rotation until a status report has been received and recorded.
- 6.15. All revenues from percentage fees shall be used by LRIS for the operation of the LRIS and other Atlanta Bar programs promoting access to justice, including pro bono and modest means legal services.
- 6.16. Percentage Fees Regarding Claims or Actions Involving Multiple Claimants or Plaintiffs:

Members who receive a referred case that either is referred as a single client referral, or a multiple client referral, or later develops into claim or an action involving multiple clients/claimants or plaintiffs (whether or not such claimant or plaintiff is a named party and regardless of how the claimant or plaintiff was referred to the attorney), shall pay a percentage fee according to the following schedule:

| <u>Attorney’s Fee</u> | <u>Percentage of Fee to be Given to LRIS</u> |
|-----------------------|--|
| \$0 to \$500 | no fee |
| over \$500 | 15 percent of the attorney’s fee in excess of \$500 for original single referral (or \$500 for each referral if the referral is of multiple clients) and 5 percent for each additional represented claimant or plaintiff beyond the original referral(s), regardless of at which stage of the proceedings such claimant or plaintiff asserts his or her claim and recovers upon each such claim or action. |

7. COMPLIANCE

- 7.1. If, in the LRIS Director’s opinion, there is reasonable cause to believe a panel member has violated the LRIS Operating Rules, policies, or regulations, the LRIS Director shall send a letter explaining the rule violation to the panel member. The panel member agrees to file a written response (including appropriate documentation) with the LRIS Director within ten (10) business days of receipt of the rule violation letter providing a plan for rectifying the violation. At the option of the LRIS Director, the Director may schedule a meeting with the panel member.

If the complaints cannot be resolved or if the panel member is not in compliance with Rule 6.4 through 7.6, the LRIS Director may suspend or remove the member from the panel or take such other action as it deems appropriate. If the panel member is not in agreement with the decision of the LRIS Director, the panel member has the right to request a hearing before the LRIS Board within thirty (30) days from such action. Should the Board affirm the action of the LRIS Director, the panel member has a further and final right of appeal to the Executive Committee of the Atlanta Bar, if such appeal is requested within thirty (30) days from receipt of an unsuccessful ruling by the Board.

- 7.2. All panel members agree to cooperate with the LRIS administration, the Board, and the Atlanta Bar in the event of any client complaints. In the event that a client files a complaint against a panel member, the panel member agrees to file a written response (including appropriate documentation) with the Chair or the LRIS Director within ten (10) business days of receipt of the complaint. Upon good cause, the Chair or LRIS Director is authorized to extend the time period for response. Under some circumstances, the client may be informed of their rights to file unethical and/or fee complaints with the State Bar of Georgia.
- 7.3. Failure to respond to the Chair or LRIS Director within ten (10) business days of receipt of the client complaint (or within a Chair sanctioned extension) will result in immediate suspension from the LRIS panel, triggering the provisions of Rule 7.1. If this suspension remains in effect for more than thirty (30) days due to the attorney's non-response, the panel member will be permanently barred from participation in the LRIS.
- 7.4. If the LRIS receives more than three written complaints regarding a specific attorney within the same calendar year, the panel member agrees to appear before the Board to discuss those complaints.
- 7.5. All panel members must have a written fee agreement with their LRIS clients.
- 7.6. All panel members must respond promptly, within ten (10) business days, to telephone and/or written inquiries made by the Board and/or the Atlanta Bar and must furnish documentation when asked, including, but not limited to, settlement sheets and fee agreements.
- 7.7. Upon receiving confirmation that a complaint has been filed against any panel member in a court of record or that a grievance has been lodged

against any panel member with the State Bar of Georgia or any other state bar, the Board may elect to suspend such membership during the pendency of such complaint, provided that a hearing is held after notice. If such suspended member's right to practice law is in no way impaired upon termination of a proceeding involving the complaint, such member shall be reinstated for any balance of the term covered by the registration fee last paid.

- 7.8. LRIS Panel attorneys may at any time withdraw from the panel upon written notice to the service, but shall not thereby be relieved of the duty to dispose, in accordance with these rules, of any pending cases that were previously referred to them.

8. Rule Amendment

- 8.1. Amendment of these Operating Rules requires approval of the LRIS Board. Amendments affecting finances, such as provisions relating to fees must be approved by the Atlanta Bar Association Board.

The Atlanta Bar Association Member's Pledge:

"As a member of the Atlanta Bar Association, I pledge to conduct myself in a manner that will reflect honor upon the legal profession. I will treat all participants in the legal process with civility. In every aspect of my practice, I will be honest, courteous, and fair."

Atlanta Bar Association's LRIS Mission Statement:

"The mission of the Atlanta Bar Association Lawyer Referral and Information Service is to provide and promote access to the legal system through an organized referral service and grant program."