

**DUPAGE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
RULES AND REGULATIONS¹**

1. **EXECUTIVE DIRECTOR:** The Executive Director of the DuPage County Bar Association shall be responsible for the day-to-day operations of The Service.

2. **LAWYER REGISTRATION:** Registration is restricted to all persons licensed to practice law by the Supreme Court of Illinois who agree to be bound by the Rules and Regulations of the LRS program.
 - A. The information contained in the lawyer applicant's form shall be as required by the Committee.
 - B. As long as the member continues to be registered, the member shall pay The Service the membership fee prescribed by The Service.
 - C. The member shall abide by all of the rules, regulations, terms and conditions of The Service.
 - D. The member shall be insured for professional liability insurance in the minimal amount of \$100,000 and shall provide The Service with proof of said coverage by delivering a copy of the Insurance policy declaration prior to the member's initial acceptance and *annually thereafter*. Members shall annually advise their professional liability insurance of their membership in The Service, shall supply the Service with a copy of such notice once annually and should obtain from the insurance its agreement to notify the Service of any termination of coverage.
 - E. The Service shall not charge a referral fee. The member shall not charge for the initial half hour conference. Further, the member shall not charge an additional fee for the time expended beyond the initial half hour unless the attorney informs the client when the initial interview is completed and when the regular rates begin and that they are being charged for services which are no longer within the one-half hour initial conference fee.
 - F. The member shall designate as many areas of enumerated "general" fields of law for referrals on his or her application form as desired, as long as the member qualifies and pays the fee. The member may select an unlimited number of subcategories within those general areas. In all situations the member must select only those areas in which he or she has the requisite competence. Among the factors to be considered are: experience, education, certifications, associational memberships and the guidance of senior counsel. The member shall complete the Membership Qualification Questionnaire upon application and thereafter upon request of The Service.

3. **ACCEPTANCE OF REGISTRATION OF LAWYER APPLICANT:** The Service may be charged with scrutinizing the areas of referrals of individual members pursuant to the aforesaid standards. The Service may make any investigation it deems appropriate to

¹ Effective 1/1/05.

determine the eligibility and qualification of each member. The Service may seek to modify those areas of referral of a member through an accord between The Service and that member; or, when warranted, pursuant to the provisions of Paragraph Five. The qualification of any member to the panel for any area of practice shall not be deemed an endorsement of the member. Membership with The Service or any panel thereof may not be used by the member as a basis for claiming certification or expertise in any area of legal practice or endeavor.

4. **WITHDRAWAL FROM MEMBERSHIP:** A member may withdraw from The Service at any time upon written notice to the Chair, Vice Chair or Executive Director of The Service. No refunds will be given for withdrawal from Referral Service. Members who withdraw shall continue to be liable for fees payable to the service as the result of referrals.
5. **DISMISSAL OR MODIFICATION BY THE SERVICE:** By majority vote, the Committee, acting on its own motion, upon complaint of a client applicant, or the request of any member of The Committee, may review and may suspend the eligibility of a member to continue in The Service, or that member's qualification to accept referrals in one or more areas of practice, or may recommend dismissal from The Service of any member for failure to comply with the Rules and Regulations set forth herein. By majority vote, an applicant may be denied membership or a member suspended for good cause shown including, but not limited to the following: 1) Failure to submit reports or funds to The Service within thirty (30) days; 2) Any report, questionnaire or other information provided to The Service is found to be untrue; 3) Failure to comply timely with professional liability insurance requirements; 4) Any violation by the member of the Illinois Supreme Court Code of Professional Responsibility; and 5) Failure to cooperate with The Service or to promptly provide the client applicant with an interview.
6. **CONSIDERATION OF RECOMMENDATION BY BOARD OF DIRECTORS:** The Committee shall notify the member in writing of its recommendation to the Board of Directors for dismissal or modification. Not less than thirty days after written notification of The Committee's recommendation the Board of Directors will consider the Committee's report on that member. The member may appear before the Board and present any matters he/she deems relevant to the Board's consideration. Upon a vote of the majority of Board members present the Board may accept or reject The Committee's recommendation, or the Board may take any other action it deems appropriate under the circumstances.
7. **REFERRAL SERVICE PROCEDURES:**
 - A. **Interview:** Each client applicant shall be first interviewed by The Service. The interview by The Service may take place either at the office of The Service or by telephone.
 - B. **Client Applicant:** Each client applicant shall first communicate with The Service. Whenever a request for an appointment with a lawyer is received by The Service, the interviewer shall determine whether the applicant has a lawyer. If the client applicant has a lawyer, the interviewer shall refer the client applicant to that lawyer. If the client applicant states that he or she does not wish to discharge his or her attorney, the client applicant shall be advised that he or she cannot be referred to another lawyer until the prior lawyer-client relationship has been terminated.

- C. Interview by The Service: The interviewer will determine whether the client applicant has a matter appropriate for referral if the interviewer determines that the client applicant meets the requirements of The Service, the client applicant shall be referred to a member in accordance with the rules established by The Service.
- D. Client Applicant Information: During the interview by the interviewer, client applicant shall be informed of The Service's rules and regulations. This shall include information about the purpose of the first referral consultation, the length of time deemed appropriate for the consultation, and other information deemed necessary by The Service.
- E. Consultation Fee: Interviewer will advise client applicant that there is no referral fee, and there is no fee for the initial half hour consultation.
- F. Time and Place of Consultation: The Service shall furnish the name, address and telephone number of the referral member. The client applicant will be encouraged to call the member promptly to arrange for a conference. Geographic location shall be taken into consideration in order to avoid excessive travel by the client applicant.
- G. Referral Lawyer: If other matters than those contemplated in the interview develop during the consultation with the referral member, the member may make such arrangements for handling these matters as may be appropriate and agreeable with the client applicant. Any such work shall be considered additional legal work not covered by the referral. The referral member may also make such arrangements with the client applicant for the performance of future legal services as are consistent with recognized principles of legal ethics.
- H. Secondary Referrals: If the referral member is unable to provide the initial interview or the subject matter of the interview is not in the member's referral area, or because the member finds a conflict of interest, or any other reason, the referral member shall refer the client back to the Service.
- I. Referral Lawyer Designee: The referral member shall be the Lawyer to which the client applicant is referred except in cases where there are other lawyers available at the firm office, who are members of The Service and designated himself or herself, to practice in the area of the referral, and with the written acquiescence of the client applicant, other members of the firm may interview and handle a part or all of the legal matter.
- J. Follow Up: The Service shall review the operation of The Service in a reasonable number of cases in order to improve the quality of The Service.

8. **LEGAL FEES:**

- A. Fees Charged: The Service shall not charge a referral fee. There is no fee for the initial half hour consultation. It is acceptable for the referral member to screen and decline the client and refer him/her back to LRS. The member shall not charge an additional fee for the time expended beyond the initial half hour unless the attorney

informs the client when the initial interview is completed and when the regular rates begin and that they are being charged for services which are no longer within the one-half hour initial conference.

- B. Compensation for Further Services: Compensation for further services may be fixed by agreement between the lawyer and Client applicant in keeping with the spirit of The Service and the canons of professional ethics
- C. Percentage Fees: Any attorney fees actually collected, whether hourly, contingency, flat or fixed, for cases from LRS-referred clients in excess of \$1,000.00, shall be required to pay LRS 10% of all fees collected in excess of \$1,000.00 within 30 days of receipt. No fee is due to LRS where resulting attorney fees collected are \$1,000.00 or less. However, LRS should be notified of the resolution of the case. For example, if an attorney collects a fee in the amount of \$2,100, s/he shall pay The Service the fee of \$110 [(\$2,100 - \$1,000) x 10%].
- D. Reporting Responsibility: If attorney fees from LRS-referred clients are contingency, flat or fixed, members have the responsibility to report fees actually earned and collected thirty (30) days from entry of the fee agreement with the client, then thirty (30) days from collection of any fee. If attorney fees from LRS-referred clients are hourly, members have the responsibility to report fees actually earned and collected every ninety (90) days.

9. **FEES FOR PARTICIPATING MEMBERSHIP:**

- A. Application For Membership: Application for membership shall be submitted along with payment of the membership fee. Dues amount will be prorated for membership application submitted in February through November.
- B. Annual Membership Fee: Each participating member who is a member of the DuPage County Bar Association shall pay The Service annually the sum of One hundred eighty (\$180) dollars for the first general category. Non-DCBA members shall pay The Service annually the sum of Three hundred (\$300) dollars for the first general category. There will be an additional charge of sixty (\$60) dollars for each additional general category.