



LRS The
Lawyer Referral
Service

**Membership
Standards and Rules**



Authorized to use ABA logo and slogan since June 2005.

Use of the ABA Lawyer Referral and Information Service logo indicates that this lawyer referral program has been reviewed by the ABA and meets the specific public service standards established by the ABA. ABA approved lawyer referral programs:

- *Agree to establish and maintain objective experience criteria for their panel attorneys,*
- *Provide a mechanism for client feedback and resolving client complaints,*
- *Do not limit the number of attorneys who may join the Lawyer Referral and Information Service, provided that they meet the objective requirements for panel membership,*
- *Require and verify that all panel attorneys carry legal malpractice insurance.*

*Use of the logo indicates that this program meets ABA standards for lawyer referral services. **The ABA does not review the qualifications of the individual lawyers who participate in the service. For more details on the ABA standards, visit www.abanet.org/legalservices/lrsrules.html.***

Lawyer Referral Service Standards and Rules

I Preamble

- 1.1 The Maine State Bar Association, hereinafter referred to as the “MSBA”, recognizes that there exists a substantial segment of the public who has difficulty in obtaining legal services. In order to respond to the needs of those persons, the MSBA established a Lawyer Referral Service, hereinafter referred to as the “LRS”.
- 1.2 The LRS is operated for the benefit of the public and the legal community. It should be readily accessible and its existence should be known to the public to the greatest extent possible. The LRS will not discriminate on the basis of any protected class or disability.
- 1.3 The prime objectives of the MSBA in establishing the LRS is to assist the general public by providing a way by which any person may readily obtain legal services at a reasonable fee, or referral information for appropriate legal services, social services or both; and to assist member attorneys by promoting appropriate use of legal services by the public, and providing opportunities for members to provide legal services to new clients referred by LRS. Further objectives of the LRS are:
 - a) To acquaint people in need of legal service with the value of consultation with an attorney;
 - b) To encourage lawyers to recognize their obligation to provide legal services to any person in need of such services at a reasonable fee;
 - c) To provide information about lawyers and the availability of legal services which will aid in the selection of a lawyer; and
 - d) To provide general legal information needed by the public.
- 1.4 The LRS will be operated from the MSBA office utilizing full and part-time staff members of the MSBA as deemed appropriate. A staff member of the MSBA, appointed by the MSBA Executive Director, shall serve as Director of the LRS.

II Committee Supervision and Reporting

- 2.1 An LRS Committee, hereinafter referred to as the “Committee”, will be charged with the supervision of the LRS as provided in this Statement of Standards and Rules. The Committee shall be subject at all times to the supervision of the MSBA Board of Governors.

- 2.2 The Committee will be composed of members of the MSBA appointed by the President of the Board of Governors, including a liaison from the Board of Governors, and at least one other attorney who is not a member of LRS. The Chairperson will be selected by the Committee. A Vice-Chairperson will be selected by the Chairperson. A member of the Committee may be removed by the President for failure to attend three consecutive meetings.
- 2.3 A quorum of three committee members will be required to transact any business of the Committee.
- 2.4 The Committee will meet at regular intervals during the year to review overall policy matters and areas of LRS development.
- 2.5 The Committee will formulate and adopt all rules for the conduct and operation of the LRS, subject to approval of the Board of Governors. The Committee shall maintain a record of Committee interpretations of these Rules.

III LRS Membership Requirements

- 3.1 Any member of the Maine Bar in good standing, has not been under suspension, disbarment, or resignation from the practice of law within the preceding twelve months, and who carries professional liability insurance with a minimum coverage of \$100,000 and as otherwise set forth in the rules for specific Experience Panels, shall qualify as an LRS member.
- 3.2 Upon filing an application, members agree to:
 - a) Maintain good standing with the Board of Bar Overseers of the State of Maine;
 - b) Report immediately to the Director any suspension or disbarment by the Maine Board of Bar Overseers, and accept being temporarily Out of Rotation Status until returned to good standing by the BOBO;
 - c) Grant all clients referred by LRS a free consultation with the member attorney of up to 30 minutes within three business days after request is made by the client or LRS staff. (Note: Clients are advised that the attorney they are referred to has three business days to contact them or schedule an appointment with them once the client contacts the LRS member. The LRS procedure is that any client may get a referral to another LRS member if the original attorney has not contacted the caller within the promised three-day period. In this instance, the name of the original attorney is not returned to the top of the rotation list, but continues to reflect his/her original

selection.) It is at the attorney's discretion to decide whether this consultation takes place by phone or in person;

- d) Discuss any charge for additional legal services with the client. This fee will be established as clearly as possible during the initial office consultation. The committee recommends a written fee agreement as part of a "best practices" approach to client/attorney agreements;
- e) Pay a referral fee to LRS when a client with a matter is referred to a member lawyer by LRS and the client retains that member lawyer for that matter and pays legal fees in excess of \$200 for that matter. The referral fee to be paid is computed based on 10% of the total fee for legal services received by the member lawyer for that matter, less the first \$200 of the fee earned by the member. Legal fees earned by the member lawyer do not include reimbursement for advanced client costs. For purposes of this paragraph, legal fees earned by the member lawyer include fees earned by associates, contract attorneys, partners, or others working for or with the member lawyer on the case. The member lawyer shall not add a surcharge to account for the referral fee.
- f) Pay the 10% LRS remittal to LRS as legal fees are received by the attorney. In the case of fee advances that are deposited in the lawyer's trust account, remittals shall be forwarded to LRS as such advances, or portions thereof, are applied toward attorney's fees that have been earned. Members are specifically directed not to wait until the client account is paid in full, but to calculate and forward LRS percentage payments as they are collected. (In brief, LRS gets paid as you get paid for work done.)
- g) Immediately notify the LRS if insurance coverage has been cancelled or will not be renewed;
- h) Abide by all of the rules of the service and in no event hold, or seek to hold, the Association or any of its officers, members or employees liable in connection with the operation of the LRS;
- i) Abide by all decisions of the Committee with regard to application procedures and continued eligibility as a member of the LRS;
- j) Proceed with due diligence on and not neglect any matter referred by the LRS;
- k) Refer a prospective client back to the LRS office if for any reason the member is unable to render service to the LRS caller.. Neither LRS members nor their staff may refer LRS callers to attorneys outside the LRS member's own firm. Further, LRS membership is for individuals and not for firms. Therefore, LRS attorneys may, after the initial consultation, bring in other members of the same firm to contribute legal services as appropriate, but will retain primary responsibility with regard to the LRS client and fulfilling LRS eligibility, reporting, and remittal obligations;

- l) Develop and maintain a method of annotating client billing files to indicate when a file is an LRS referred case. The indicator shall be self-explanatory to an individual reviewing the billing of case file, and will identify that file as an LRS-referred case;
- m) Include a copy of the LRS office closing policy statement inside the member's client trust fund file so that a person opening it will discover the statement. (*See **Obligation Statement** at end of this document.*)
- n) Immediately notify the LRS office if member deems it necessary and prudent to associate another attorney as co-counsel to assist in a referral case. Member shall provide the name and address of said co-counsel and a written agreement from said co-counsel to remit fees due to LRS as specified in Rule 5.1(c) of these rules. The member shall remain primarily obligated to remit said fee, and render reports as requested, to the LRS office;
- o) If the member changes firms, or leaves the practice of law, immediately notify LRS Director of this change, and update the disposition of all LRS referrals. For any open LRS case, the referred attorney will inform the LRS Director if the case is remaining with the original firm, or going with him/her to the new practice; in either case, the member must notify any successor attorney or law firm that the ongoing obligation to LRS must be honored; and in the cases of ceasing to practice law, agrees to refer all open cases back to LRS for re-referral rather than pass on to another attorney outside the service;
- p) Provide any accommodation mandated by the Americans with Disabilities Act or Maine Human Rights Act, or by rules promulgated by the Maine Human Rights Commission.
- q) Agree, by joining LRS, to be bound the Standards and Rules of the service with regard to all referrals made to that member, directly or indirectly, including, without limitation, the requirement to provide accurate status reports and payments of referral fees. This obligation survives any resignation, suspension, termination or other change of status with regard to the member attorney.
- r) Agree, by joining LRS, to educate all peers and staff members to the agreements and requirements of LRS so that LRS cases and all LRS referrals are handled per our agreements, and all LRS reporting and participation requirements are adhered to.

IV Areas of Referral Panels

- 4.1 The Director, in consultation with the Committee, shall establish legal subject matter panels for referrals. In addition, the Committee shall establish additional criteria for membership in certain panels for which special expertise or experience is appropriate. The Committee may modify such additional membership criteria periodically as deemed necessary. All LRS applicants shall select panels as part of the membership enrollment process, and reselect their

entire list with each annual membership renewal, providing documentation as necessary. Where there are not specific criteria set forth for membership in a panel, members will enroll only in panels in which they are experienced and competent, so certifying with their signatures.

V Financial Administration of LRS

- 5.1 The operation of LRS shall be financed with funds derived from the following sources:
- a) Each member of the LRS will pay to the MSBA a non-refundable fee for each year of membership at rates set by the LRS Committee and approved by the Board of Governors.
 - b) An initial administrative fee, in an amount set by the Committee, will be charged to each client.
 - c) Each member agrees to pay to LRS ten percent (10%) of any fee (exclusive of costs) in excess of \$200 collected for legal services performed for each LRS caller who retains the member beyond the initial free consultation, upon receipt of payment for billed services, and not at time of retainer. Questions regarding the amount of referral fee due to LRS will be referred to the Committee for resolution.

VI Withdrawal from Membership

- 6.1 A member may at any time withdraw from participation in the LRS with written notice to the LRS Director. Such withdrawal does not entitle member to any refund and does not absolve member from completing and forwarding open case reports or from forwarding moneys owed the LRS for LRS referrals. For leaving the practice of law, see Section III 3.2 j), k), and m).
- 6.2 While notice of intent to resign will remove a member from active rotation, a member's withdrawal is not effective until the member closes all open LRS cases, pays all percentage fees related to those cases, and returns accurate reports regarding referrals.

VII Referral Service Procedures

- 7.1 Referrals shall not be made on the basis of race, sex, age, religion, national origin, or sexual preference.
- 7.2 For each caller/applicant, LRS staff will ascertain, to the best of their ability, whether the caller has a problem appropriate for referral to a member attorney. The LRS staff shall endeavor to make the most appropriate referral, taking into consideration the nature of the issue(s), the likely jurisdiction, and the geographical needs of the caller.

- 7.3 The client/applicant shall be informed of the LRS procedures including, but not necessarily limited to, the initial service administration fee, the initial consultation of *up to one half hour at no additional charge*, future fee arrangements between the client and members, the method of selecting a lawyer, and the competence representation made by the members. Staff is not required to refer a client more than three (3) times with respect to a single request.

VIII Statistics/Record Keeping

- 8.1 Confidential communications from LRS callers shall be governed by the applicable provisions of the Code of Professional Responsibility of the Maine Bar Rules.
- 8.2 The LRS shall keep and maintain records, including the following:
- a) For each member:
 - 1) Documentation of qualification for service membership, as described above; panel selections, reports, and remittals;
 - 2) The names of all callers to whom each member has been referred, and in each case the nature of the legal question involved, the panel titles used in the database search, and the date when referred; and
 - 3) Correspondence between LRS staff or Committee and each member, all written comments from referred callers, and any additional information pertaining to disputes or complaints from any party.
 - b) For service performance history and analysis:
 - 1) Financial records and minutes of all committee meetings; and
 - 2) Statistical records as requested by the Committee or Board of Governors, or as deemed useful by the Director.

IX Quality Control

- 9.1 The LRS shall monitor public and member satisfaction with the service through feedback gathered by formal and informal methods including, but not limited to:
- a) Routine Client Satisfaction Questionnaires;
 - b) Annual Member Satisfaction Questionnaires; and
 - c) Additional inquiries as advisable in response to client or member comments.
- 9.2 The LRS Director and staff will actively seek to improve both the quality of referrals, and the quality and sophistication of other resource recommendations, through consultation with member attorneys, peer agencies, ABA resources, and other community support and information resources.

X Regulation of LRS Membership

- 10.1 The LRS Director is authorized to remove members from rotation temporarily for failure to return reports, respond to requests for information within stipulated time requirements, or pay dues.
- 10.2 The LRS Director is authorized to review an LRS member's continuing eligibility and may request that the Committee suspend a member at any time for good cause. Good cause for suspension includes but is not limited to the following:
- a) Suspension, disbarment, or resignation from the practice of law;
 - b) Failure to obtain, maintain, and report to LRS legal malpractice insurance described in 3.1;
 - c) Failure to pay annual dues;
 - d) Failure to forward other monies due LRS;
 - e) Evidence that a member signed an application, certification, or report that was untrue in any material respect;
 - f) Repeated or egregious failure to communicate within a timely fashion pertaining to any reports or questions regarding referral status or client complaint;
 - g) Arrest or charge for any criminal offense; and
 - h) Complaints from referred clients that provide reason to believe a member does not meet reasonable standards of courtesy, competence, and ethical behavior, or adherence to LRS rules.
- 10.3 Any request for reconsideration of active participation or suspension will be sent to the LRS Committee and to the member in writing. The member shall be given an opportunity to present a written and/or oral response to the requested suspension at the next regularly scheduled LRS Committee meeting, when the LRS Committee shall determine whether to impose the requested suspension by a majority vote. The Committee shall inform the member of its decision within 30 days.
- 10.4 All information obtained by, or presented to, the LRS Director or Committee in connection with suspension or reinstatement proceedings shall be confidential.

XI Policy Regarding Significantly Delinquent Reports and Remittals

- 11.1 Communications and changes of member attorney status with regard to overdue reports, insurance, dues, or other necessary information will be handled initially at the Director's discretion, as described above. (X)
- 11.2 If a member attorney, or former member attorney, fails to respond to requests for information or reminders regarding reports, the following protocol will apply:
- a) The Director will submit information/history of delinquent accounts to LRS Chairperson before the next scheduled LRS Committee meeting.

- b) The Chairperson will make known the name(s) of delinquent attorneys as part of the regular reports of each LRS Committee Meeting.
- c) The Chairperson will then call each of the delinquent attorneys to make diplomatic inquiries and urge completion of obligations.
- d) If the delinquent attorney is not forthcoming, the Chairperson will send a standard Notice of Delinquency letter to the attorney, giving the attorney 15 days to respond; the Chairperson will also inform the Director of each 15-day deadline so that the Director can notify the Chairperson if a response has been made on time.
- e) Any attorney so notified who remains delinquent after the 15-day deadline will be reported to the Maine State Board of Governors at that body's next regular meeting for action in accordance with the policies and procedures of the that body, including a possible submission to the Board of Overseers of the Bar.. The LRS Committee may, at its discretion, make a final personal appeal to the delinquent before the BOG meeting.

XII Client Complaints

- 12.1 The LRS does not arbitrate fee disputes or make judgments with regard to ethical impropriety. LRS callers seeking remedy in fee disputes for alleged ethical violations shall be directed to the Maine Board of Overseers of the Bar. The LRS shall, however, keep a record of client complaints for the purposes of monitoring and improving service performance and making member suspension determinations.
- 12.2 Complaints made verbally will be handled according to the discretion of the LRS Director and staff, including waiving or refunding the referral administration fee, follow-up with a member, or request to have the complaint submitted in writing.
- 12.3 A copy of any complaint received in writing against either LRS staff or member attorneys will be forwarded to the person against whom the complaint is made.
- 12.4 The Director will present a summary report of complaints received at every committee meeting.
- 12.5 If three or more complaints are received against a member within a membership year, or three or more complaints about a single specific behavior are received within two years, the Director will give notice to the member that a report will be made to the LRS Committee at its next meeting.

XIII Marketing and Publicity

- 13.1 The LRS will be marketed and publicized by such means and to such extent as may be determined by the Director, in consultation with the Committee.

Statement of Obligation

This statement confirms that attorney _____ has joined the **Lawyer Referral Service of the Maine State Bar Association** with the full knowledge and agreement of partners/management of the firm _____, and will abide by all the rules and agreements as stipulated in the **Lawyer Referral Service Standards & Rules** document, including remittal of 10% of all received legal fees from each LRS-referred client over and above the first \$200 paid for services on the matter referred per LRS protocols.

This statement also confirms that should the member attorney above leave this firm/partnership, or the practice of law:

- any open cases or referrals from LRS to this attorney *left with the firm/partnership* will be subject to the same reporting and remittal agreements under which it was accepted until each case or referral is complete;
- any open cases or referrals from LRS to this attorney and **remaining with this attorney** will remain subject to the same reporting and remittal agreements under which it was accepted until each case or referral is complete; and
- any open cases or referrals *not continuing with either the above attorney or firm* will be immediately referred back to LRS by the member attorney.

Failure to keep these agreements will be cause for action by the Lawyer Referral Committee and the Maine State Bar Association.

Please return this form with the following signatures, as appropriate to your firm:

LRS Member Attorney:

PRINT _____

Signature _____

Date _____

Small Firm Partner Attorney: N/A

PRINT _____

Signature _____

Date _____

Firm Senior or Managing Partner: N/A

PRINT _____

Signature _____

Date _____