

# MONTEREY COUNTY BAR ASSOCIATION'S

## LAWYER REFERRAL SERVICE

*Serving Monterey County | State Bar Certification No. 0046*

2620 Colonel Durham Street, Seaside, CA 93955 | (831) 582-5600

### APPLICATION FOR MEMBERSHIP

February 1, 2020 through December 31, 2020

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Date Admitted to California Bar: \_\_\_\_\_ State Bar#: \_\_\_\_\_

Malpractice Insurance (Carrier & Date of Expiration): \_\_\_\_\_

**Please identify a staff member from your office who will receive referral notifications:**

Name of Referral Notification Recipient: \_\_\_\_\_

Email of Referral Notification Recipient: \_\_\_\_\_

#### A. APPLICATION DECLARATIONS

1. Consultation Fees: I understand that the only fee charged to the Lawyer Referral Service (LRS) caller for a **30-minute** consultation shall be up to \$50.00. The consultation fee shall be collected by LRS and no consultation fee shall be charged by the attorney.
2. Percentage of Fees Payable to LRS: I am free to contract with the client for additional legal services at my regular rates. I agree to promptly forward ten percent (10%) of all fees collected from LRS referrals within 30 days of collecting those fees.
3. Required Language in all Fee Agreements: "Client was referred to Attorney by the Lawyer Referral Service. Ten percent (10%) of any attorney fees will be forwarded to LRS in connection with LRS Rules and, by signing this contract, client consents hereto. This fee-sharing agreement shall not increase client's costs for legal services beyond that which the client would normally pay."
4. Insurance: I certify that I am covered under a policy of errors and omissions insurance in a minimum amount of \$100,000/\$300,000.

**Panelists are required to have errors and omissions insurance and are required to submit a current face sheet to LRS. If my Insurance should lapse or change during the time I am a member of the LRS, I shall immediately notify LRS. If I fail to notify LRS of a change or cancelation of my errors and omissions insurance policy, I understand that I will be removed from rotation until I have provided LRS with a current errors and omissions face sheet.**

5. Arbitration: I agree to abide by all rules and regulations of the LRS including submission of any fee dispute arising between me and a client referred by the LRS, if the client so elects, to binding arbitration through *The State Bar of California • Mandatory Fee Arbitration Program*.
6. Minimum Qualifications: Participation on all LRS panels is conditioned upon meeting the minimum qualifications or experience levels set forth in this application and Rule 6, set forth in Rules, Qualifications and Procedures for Monterey County Bar Association's Lawyer Referral Service.
7. Mentorship Explanation: If required, I select \_\_\_\_\_ as a mentor in the following panels and agree to consult with the mentor as set forth in the rules.

Panel name: \_\_\_\_\_

Panel name: \_\_\_\_\_

8. Certified Specialist: I am a State Bar Certified Specialist in the following areas:

Specialty: \_\_\_\_\_

9. Foreign Languages: Languages other than English spoken in my office:

Language: \_\_\_\_\_ Attorney: \_\_\_\_\_ Staff/Name: \_\_\_\_\_

Language: \_\_\_\_\_ Attorney: \_\_\_\_\_ Staff/Name: \_\_\_\_\_

**Disciplinary Proceedings**:  I have  I have not been subject to disciplinary proceedings by the State Bar of California or by any other Bar. If I have, an explanation is attached.

## B. PANELS

**LRSPANELS** (Please check the boxes **ONLY** in areas you actually practice)

I have read the attached Rules for the LRS, and I meet or exceed the minimum criteria for membership in each of the Panels to which I am applying. I wish to be a member of the following LRS panels:

<input type="checkbox"/>	<b>Agriculture</b> (\$30 panel fee)		<input type="checkbox"/>	<b>Family</b> (\$100 panel fee)	
	<input type="checkbox"/> Business	<input type="checkbox"/> Farm Lease		<input type="checkbox"/> Beginning Level	<input type="checkbox"/> Divorce
				<input type="checkbox"/> Advanced Level	<input type="checkbox"/> Juvenile Dependency / CPS
				<input type="checkbox"/> Adoption	<input type="checkbox"/> Mediation
<input type="checkbox"/>	<b>Bankruptcy</b> (\$30 panel fee)		<input type="checkbox"/>	<b>Immigration</b> (\$30 panel fee)	
	<input type="checkbox"/> Chapter 7	<input type="checkbox"/> Chapter 11		<input type="checkbox"/> Asylum / Refugee	<input type="checkbox"/> Naturalization
				<input type="checkbox"/> Business Petition	<input type="checkbox"/> Non-immigrant Visa
				<input type="checkbox"/> Family Petition	<input type="checkbox"/> Immigration Court
<input type="checkbox"/>	<b>Business Law</b> (\$30 panel fee)		<input type="checkbox"/>	<b>Malpractice</b> (\$30 panel fee)	
	<input type="checkbox"/> Contracts Formation & Review	<input type="checkbox"/> Business Sale/Purchase		<input type="checkbox"/> Medical	<input type="checkbox"/> Dental
	<input type="checkbox"/> Corporations Formation & Operation	<input type="checkbox"/> Business Litigation			
	<input type="checkbox"/> Non-Profit Formation & Operation				
<input type="checkbox"/>	<b>Civil Litigation</b> (\$30 panel fee)		<input type="checkbox"/>	<b>Patent / Trademark / Copyright</b> (\$30 panel fee)	
	<input type="checkbox"/> ADA Violations	<input type="checkbox"/> Personal Injury			
	<input type="checkbox"/> Civil Appeal	<input type="checkbox"/> Property Damage			
	<input type="checkbox"/> Civil Harassment	<input type="checkbox"/> Restraining Order / Domestic Violence			
	<input type="checkbox"/> Construction	<input type="checkbox"/> Workplace Violence			
	<input type="checkbox"/> Credit / Collections	<input type="checkbox"/> Wrongful Death			
	<input type="checkbox"/> Insurance Bad Faith	<input type="checkbox"/> Preferred Case type:			
<input type="checkbox"/>	<b>Criminal</b> (\$100 panel fee)		<input type="checkbox"/>	<b>Public Benefits</b> (\$0 panel fee)	
	<input type="checkbox"/> Appeals	<input type="checkbox"/> Felony		<input type="checkbox"/> Disability	<input type="checkbox"/> Social Security
	<input type="checkbox"/> Dismissals / Expungement	<input type="checkbox"/> Misdemeanor			
	<input type="checkbox"/> DUI	<input type="checkbox"/> Traffic			
	<input type="checkbox"/> Infraction				
<input type="checkbox"/>	<b>Education</b> (\$30 panel fee)		<input type="checkbox"/>	<b>Probate</b> (\$30 panel fee)	
	<input type="checkbox"/> Disability	<input type="checkbox"/> Higher Education		<input type="checkbox"/> Administration	<input type="checkbox"/> Conservatorship
	<input type="checkbox"/> Lower Education			<input type="checkbox"/> Estate Planning: Trusts	<input type="checkbox"/> Estate Planning: Wills
				<input type="checkbox"/> Guardianship	<input type="checkbox"/> Litigation: Trusts
<input type="checkbox"/>	<b>Elder Law</b> (\$30 panel fee)		<input type="checkbox"/>	<input type="checkbox"/> Litigation: Wills	
<input type="checkbox"/>	<b>Employment Discrimination</b> (\$30 panel fee)		<input type="checkbox"/>	<b>Real Property</b> (\$30 panel fee)	
	<input type="checkbox"/> Wrongful Termination			<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
	<input type="checkbox"/> Union <input type="checkbox"/> General <input type="checkbox"/> Municipality			<input type="checkbox"/> Landlord	<input type="checkbox"/> Tenant
	<input type="checkbox"/> Labor Law	<input type="checkbox"/> Sexual Harassment		<input type="checkbox"/> Land Use, Zoning Permit Use Application Processes including Administrative Hearings	
	<input type="checkbox"/> Protected Class Discrimination			<input type="checkbox"/> Sales & Tax Exchanges of Real Property	
<input type="checkbox"/>	<b>Modest Means Panels</b> (\$30 panel fee)		<input type="checkbox"/>	<b>Taxation</b> (\$30 panel fee)	
	<input type="checkbox"/> Small Claims & Collections	<input type="checkbox"/> Landlord / Tenant	<input type="checkbox"/>	<b>Workers Compensation</b> (\$30 panel fee)	
	<input type="checkbox"/> Restraining Orders	<input type="checkbox"/> Guardianship			

**C. MEMBERSHIP FEES**

Annual LRS Membership Dues <input type="checkbox"/> \$150 MCBA member <input type="checkbox"/> \$175 Non-MCBA member	\$ _____	\$ _____
\$100 panel x ____ (number of panels chosen)	\$100 x	\$ _____
\$ 30 panel x ____ (number of panels chosen)	\$ 30 x	\$ _____
\$ 0 panel x ____ (number of panels chosen)	\$ 0 x	\$ 0
<b>TOTAL AMOUNT ENCLOSED</b>		<b>\$ _____</b>

**D. APPLICANT ACKNOWLEDGEMENT**

I hereby apply for membership in the LRS, sponsored by the Monterey County Bar Association, under the regulations of the State Bar of California, for the period of February 1, 2020 through December 31, 2020. I have read and agree to comply with the provisions of the Rules for the LRS.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Signature of Applicant Attorney: \_\_\_\_\_

Dated: \_\_\_\_\_

**E. MENTOR ACKNOWLEDGEMENT (if applicable)**

I, the attorney named by the applicant as mentor, agree to consult with the applicant for all cases applicant accepts on the following panels: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_                      Mentor Signature: \_\_\_\_\_

**Rules, Qualifications and Procedures for Monterey County Bar Association's Lawyer Referral Service (LRS)  
February 1, 2020, through December 31, 2020**

**RULE 1**

**PURPOSE OF RULES**

- 1.1 The purpose of these rules is to establish the standards by which Lawyer Referral Service will operate and to implement the rules and regulations required in the California State Bar's Minimum Standards for Lawyer Referral Service in California.

**RULE 2**

**DEFINITION OF LRS**

- 2.1 Lawyer Referral Service is a program of the Monterey County Bar Association (MCBA) under the program rules of the State Bar of California. LRS is designed to refer a person seeking legal assistance to a competent lawyer, for an initial consultation of thirty minutes, for a fee of \$50.00.

**RULE 3**

**PURPOSE OF LRS**

- 3.1 The purposes of LRS are as follows:
- (a) To refer a person seeking legal assistance to a competent lawyer;
  - (b) To improve the quality of legal services available to the public; and
  - (c) To provide attorneys with a potential client base.

**RULE 4**

**RESPONSIBILITIES OF LRS GOVERNANCE COMMITTEE**

- 4.1 LRS Governance Committee is responsible:
- (a) To establish requirements for membership on any LRS panel;
  - (b) To evaluate applicants and the determination of continued eligibility of panel and members;
  - (c) To develop policy and procedures to ensure compliance with California State Bar rules for Lawyer Referral Services;
  - (d) Review and submit the annual report required by the California State Bar rules;
  - (e) Annually survey a random sample of at least ten percent of the clients of the service to determine client satisfaction with services and fees;
  - (f) On the basis of the annual survey, make any operational changes it deems necessary;
  - (g) Provide to the State Bar information required to be collected under California State Bar rule 3.827; and
  - (h) Meet at least quarterly.

**RULE 5**

**REQUIREMENTS FOR GENERAL PANEL MEMBERSHIP**

- 5.1 To qualify for membership as a panelist, an attorney must meet the following criteria:
- (a) Be in good standing with the State Bar of California;
  - (b) Either maintain a place of business in Monterey County or be able to offer an otherwise suitable location or method for the performance of such services;
  - (c) Maintain errors and omissions insurance; and
  - (d) Agree to abide by these rules.

**RULE 6**

**CRITERIA FOR SPECIFIC PRACTICE PANELS**

- 6.1 All qualifications and experience levels refer to California law. Certification as a Specialist by the State Bar of California automatically qualifies the applicant for the panel in which s/he is certified. All panel members must comply with California State Bar Mandatory Continuing Legal Education (MCLE) requirements. Each applicant must have completed the qualifications of the various panels within the last three years.
- 6.2 Lawyer Referral Service Panel Experience Requirements
- (a) Agriculture - Panel member must have handled at least three matters in each of the specific panel areas indicated in Application for Membership.
  - (b) Bankruptcy - Within the past three years, panel member must have handled at least three bankruptcies through discharge including one Chapter 13 and one involving the sale of real property.
  - (d) Business Law - Panel member must have handled at least three matters in each of the specific panel areas indicated in Application for Membership.
  - (e) Civil Appeals - Panel member must have handled, as attorney of record, at least three civil appeals before the California Appellate Courts and have attended one seminar on the California Appeals process within the last three years.

- (f) Civil Litigation - Panel member must have handled at least one civil court trial and one arbitration or mediation.
- (g) Enforcement of Judgment - Panel member must have handled at least two collection matters to settlement or satisfaction of judgment.
- (h) Criminal Defense
- (1) Misdemeanor Panel  
Panel member must have handled at least five misdemeanor matters through sentencing. At least one of the matters must have included an adversarial hearing, other than sentencing, involving a contested issue of fact or law.
- (2) Felony Panel  
Panel member must have handled at least three criminal jury trials and within the past three years conducted at least one of each in the following list or a total of five in a, b, and c listed below:
- a) Preliminary examinations;
  - b) Contested probation violation hearings;
  - c) Five contested jurisdictional hearings in juvenile court;
  - d) Contested motions in a felony case; or
  - e) Sentencing proceedings in a felony case.
- (i) Elder Law - Panel member must have handled three matters involving financial or physical abuse of an elder or dependent adult in the last five years, including one trial or one mediation to settlement.
- (j) Employment Discrimination - Panel member must have taken to administrative review, arbitration, or trial at least two wrongful terminations or employment discrimination cases.
- (k) Probate - Panel member must have handled two estate settlement proceedings, including a probate through final distribution. Panel member must have also prepared five dispositive instruments, at least three of which involved a testamentary or living trust.
- (l) Family Law
- (1) Beginning Level - Panel member must have handled at least two contested motions and two family law matters to judgment.
- (2) Advanced Level - Certification as a Specialist by the State Bar of California automatically qualifies the Family Law applicant as a panelist. Otherwise, s/he must have handled the following:
- a) Ten contested dissolutions to judgment;
  - b) Drafted ten marital settlement agreements and/or judgments, that included at least two real property issues, two tax issues, two pension/retirement issues, two child support issues, and two spousal support issues;
  - c) Ten other family law matters involving dissolution or paternity; and
  - d) Three temporary restraining orders.
- (m) Adoption - Panel member must have handled two adoption matters in the State of California to completion and must be familiar with the laws regarding adoption proceedings.
- (n) Family Law Mediation - Panel member must meet all requirements of the Advanced Level Family Law panel. In addition, a panel member must have:
- (1) Attended mediation workshop training program(s) involving direct participation of the panel member for a minimum of twenty hours in the last three years;
  - (2) Handled three mediation cases, resulting in signed settlement agreements at least one of which took place in the last year; and
  - (3) Completed ten hours of MCLE approved mediation courses in the last three years.
- (o) Government Benefits - Panel member must be familiar with legislation dealing with government benefits (Medicare, MediCal, Social Security, State Disability, and Unemployment Benefits) and must have handled at least two matters through award of benefits.
- (p) Immigration/Naturalization - Panel member must have handled at least two matters involving immigration and/or naturalization.
- (q) Insurance/Bad Faith - Panel member must have handled five insurance cases, one of which involved arbitration, court, or jury trial.
- (r) Landlord/Tenant - Panel member must have handled at least two rental contracts and two evictions through judgment.
- (s) Legal Malpractice - Panel member must have handled at least two jury trials (criminal or civil) or settled two legal malpractice complaint cases.
- (t) Medical and Dental Malpractice - Panel member must have handled one jury trial and settled two medical malpractice cases in which complaints were filed.
- (u) Patent/Trademark/Copyright - Panel member must have an active registration number with the U.S. Patent and Trademark Office and have

handled one copyright matter within the past three years.

(v) Personal Injury/Wrongful Death - Panel member must have handled all of the following:

- (1) Five cases in the areas of personal injury, wrongful death or torts;
- (2) A discovery plan including interrogatories, depositions, and requests for admission;
- (3) One judicial settlement conference; and
- (4) Two contested court or jury trials to verdict (in lieu of one trial, panel member may have handled a matter through arbitration hearing).

(w) Non-Personal Injury Tort & Negligence Claims - Panel member must have handled five cases in the areas of tort and negligence claims one of which must have proceeded to arbitration, or court or jury trial.

(x) Real Property - Panel member must have handled at least five matters in the selected panels and no more than three in any one panel.

(y) Small Claims Appeal - Panel member must have handled at least three Small Claims Court matters and must be familiar with Small Claims Court procedures.

(z) Taxation - Certification as a Specialist by the State Bar of California automatically qualifies the Taxation applicant as a panelist, or s/he must have completed ten hours of MCLE approved taxation courses and meet the criteria of at least one of the following:

- (1) Written opinions on significant tax questions in at least three tax cases;
- (2) Has an LLM in taxation;
- (3) Obtained one ruling from the National Office of the IRS;
- (4) Can show that practice is limited to tax and tax-related matters; or
- (5) Completed two tax proceedings before the Appellate Division of the IRS

(aa) Traffic/DMV - Panel member must have handled three Traffic/DMV matters and must be familiar with Department of Motor Vehicle codes, administrative procedures, and laws regarding traffic violations.

(bb) Workers' Compensation - Panel member must be a State Bar Certified Specialist or have handled at least three workers' compensation cases through award, including one contested hearing before a workers' compensation judge.

### 6.3 Modest Means Panel Experience Requirements

Applicants to the Modest Means Panel must meet the following experience requirements:

- (a) Small Claims and Collections – Panel member must have advised on three small claims matters and used two different methods for collecting a judgment.
- (b) Landlord/Tenant – Panel member must have drafted two leases or rental contracts and handled one contested eviction.
- (c) Guardianship – Two guardianships, including one contested proceeding or a petition that included emergency orders.
- (d) Restraining Orders – Panel member must have completed two civil restraining order petitions (Domestic Violence Restraining Orders, Civil Harassment, Workplace Violence or Prevention of School Violence), at least one of which included a contested hearing.

### **RULE 7 REQUIREMENTS FOR MENTORS**

7.1 A mentor must meet all requirements of the applicant's requested panel and comply with all of the rules for LRS. The mentor must consult with the applicant on each case referred by LRS for the mentored panel.

### **RULE 8 MEMBERSHIP FEES**

- 8.1 Annual LRS Membership Dues will be reduced by \$25 for current MCBA members.
- 8.2 Panel fees are as follows: \$100.00 each for Family Law and Criminal Law, \$30.00 each for Agriculture, Bankruptcy, Business Law, Civil Litigation, Education, Elder Law, Employment Discrimination, Immigration, Malpractice, Modest Means, Patent/Trademark/Copyright, Probate, Real Property, Taxation and Workers Compensation.

### **RULE 9 CLIENT FEES**

- 9.1 Clients referred through LRS pay a \$50.00 initial referral fee entitling them to one thirty-minute consult with an LRS attorney.
- 9.2 An LRS attorney is free to contract with an LRS referred client for services to be rendered beyond the thirty-minute consultation at her/his regular fee schedule. However, the fees charged to a LRS client shall not exceed what would be charged to the client were s/he not a LRS referral.

- 9.3 Fees shall be paid to LRS in the following manner:  
(a) LRS shall collect the initial referral fee.  
(b) LRS panelist will forward to LRS ten percent (10%) of fees collected.

**RULE 10  
REQUIRED LANGUAGE IN WRITTEN FEE  
AGREEMENT**

- 10.1 In compliance with the Business and Professions Code, there shall be a written fee agreement between attorney and client that includes the following statement:

“Client was referred to Attorney by the Lawyer Referral Service of Monterey County, Ten percent (10%) of any attorney fee will be forwarded to LRS in compliance with LRS Rules and, by signing this contract, client consents to these terms. The fee-sharing with LRS agreement shall not increase client’s costs for legal services beyond that which the client would normally pay.”

**RULE 11  
BINDING ARBITRATION OF FEE DISPUTES**

- 11.1 In any case in which a LRS referred client disputes the fees of the attorney, at the election of the client, the fee dispute shall be submitted for resolution by binding arbitration through the State Bar of California Fee Arbitration program.

**RULE 12  
REFERRAL PROCEDURES**

- 12.1 A referral shall be made on a rotating basis, in a fair and impartial manner, to a member of an appropriate panel, except that consideration shall be given to all circumstances of the client, including the type and degree of difficulty of the legal problem presented, geographical convenience and language needs.
- 12.2 No referral shall be made, or refused, on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, age, military and veteran status, or other category of discrimination prohibited by applicable law, whether the category is actual or perceived.
- 12.3 No referral shall be made that would violate any provisions of State or Federal Law or the Rules of Professional Conduct including restrictions against unlawful solicitation, false, or misleading advertising.

- 12.4 No referral shall be made directly or indirectly by a person employed or otherwise compensated by an attorney or firm to whom the referral is made.

- 12.5 All persons seeking the assistance of an attorney through LRS shall contact staff of LRS. LRS staff will screen calls for type of case, complexity, and level of experience required to meet the legal needs of the client. The client will then be referred to a panel attorney, and the attorney will schedule an appointment at a mutually agreeable time for attorney and client.

- 12.6 The attorney shall refer the client back to LRS if the attorney has a conflict of interest or cannot accept the referral. If for any reason, LRS panel members cannot handle a referral, the referral MAY NOT be referred to any other attorney pursuant to Rule 14.

**RULE 13  
ONE-YEAR FOLLOW UP PERIOD**

- 13.1 If a person referred by LRS is a “consult only” appointment, meaning no attorney-client relationship is created, and the LRS referral returns to the same attorney, on the same matter within a one-year period, it will still be considered an LRS referral and ten percent of the fees collected shall be paid to LRS.

**RULE 14  
PROHIBITION ON FURTHER REFERRALS**

- 14.1 In no event shall an attorney who has accepted a case on behalf of an LRS referred client refer the client to another attorney, whether in the same office, or otherwise. In such a case, the client must be referred back to LRS for further assistance.

**RULE 15  
CONDUCT OF LRS ATTORNEYS**

- 15.1 Each attorney shall be guided, governed, and bound by these rules and the Rules of Professional Conduct of the State of California.
- 15.2 Each panel attorney agrees to hold harmless any officer, director, staff member, LRS and MCBA from any error or omission arising out of the operation of the service or any referral made by LRS.
- 15.3 Each attorney participating in LRS shall certify that s/he is covered under a policy of errors and omissions or a bond in the minimum amount of \$100,000/\$300,000, will provide a copy of the policy with the LRS Membership Application, and



agrees to maintain the policy in force at all times s/he remains a member of LRS.

- 15.4 Each attorney shall complete an application for membership on a form prepared by LRS and will complete other forms as required by LRS. The attorney will respond to inquiries from LRS regarding LRS referred clients and the status of LRS referred cases.
- 15.5 Each panel attorney shall keep complete and accurate records of all financial transactions with LRS clients, including but not limited to, all retainers paid by LRS clients, all billings submitted to any LRS clients, and all monies paid for work completed or services rendered on behalf of a LRS referral by attorney. Panel attorney will provide LRS complete access to LRS referred client records upon thirty days written notice from LRS.

## **RULE 16 APPLICATION REVIEW PROCESS**

- 16.1 MCBA's Executive Director and LRS Coordinator will conduct an initial review of LRS attorney applications. Next, a designee of LRS's Governance Committee (the Committee) shall review the application in accordance with the procedure described below.

(1) New Application Required Each Year: Applicants for any of the panels shall submit new applications annually. This will permit the Committee to review the eligibility of new applicants and to evaluate the quality of continuing members.

(2) General Requirements of Evaluations: Members of the Committee charged with reviewing the applications shall be familiar with the area(s) of law for each panel.

(3) The Committee may require additional information if deemed necessary to either determine compliance with the qualifications requirements or to allow the designee to adequately evaluate the quality of services which have been provided by the applicant while a member of LRS.

- 16.2 In compliance with the State Bar Minimum Standards for Lawyer Referral Services, the Committee has established a system of program evaluations on the performance of panelists by clients. The Committee has also established a system to provide panelists and clients an opportunity to express satisfaction with the services received by LRS. Attorneys are encouraged to review these client surveys periodically at the LRS office.

- 16.3 In accordance with LRS Disciplinary Procedures, LRS may, for good cause, suspend or terminate the privileges of any attorney to serve on a LRS panel. Each attorney adversely affected by this Rule shall be provided with a written statement of the reasons for such action and be accorded an opportunity for a full and fair hearing. Good cause shall be defined as negligence or willful and intentional misconduct that violates these rules and/or that causes injury to a LRS referred client.

### **Disciplinary Procedures**

#### **(a) Purpose:**

The purpose of this policy is to:

- (1) Establish a fair procedure for appealing decisions to, suspend, or remove a panel member from a LRS panel(s), and
- (2) Satisfy the requirements of the State Bar of California Minimum Standards for Operation of a Lawyer Referral Service Program.

(b) Standards for Imposing Discipline: A panel member may be disciplined only upon a showing of good cause.

#### **(c) Suspension Pending Resolution of Disciplinary Action:**

(1) To insure quality legal services and the protection of the public, upon a two-thirds vote of Committee, a panel member may be suspended from participation for a maximum ninety-day period for investigation of complaints. Such suspension may continue beyond the ninety-day period during the pendency of any disciplinary action initiated subsequent to completion of the investigation.

(2) The Committee will inform said panel member of the suspension for investigation. The imposition of a suspension for the purpose of an investigation is deemed to not be the imposition of discipline pursuant to section (d) below.

#### **(d) Disciplinary Action Procedure:**

(1) The procedure for imposing discipline shall be as follows:

(a) Initiation of Disciplinary Proceedings: The Committee member, staff member, or a client may file with the Committee a written statement setting forth the name of the panel member and an explanation of why the member should be disciplined.

(b) Notice to Panel Member: The Committee shall provide written notice to the panel member who is the subject

of the disciplinary action. S/he shall be given an opportunity to present evidence showing that s/he should not be disciplined. The Committee shall provide the panel member a reasonable time period in which to present opposing evidence and argument. The Committee may decide a case on the basis of the written materials or, at the request of the panel member, shall schedule an oral hearing to receive evidence or hear argument.

(c) Scheduling of Hearings: If an oral hearing is requested, the Committee shall schedule a hearing no sooner than thirty days and no later than ninety days after issuing the written notice described in (b) above, and give written notice of the date, time and place to the attorney.

(d) Continuances: Reasonable continuances of the hearing may be granted at the sole discretion of the Committee.

(e) Failure of Parties to Appear: In the event that the panel member fails to appear at the hearing at the specified time and place, the Committee may hear and review evidence as maybe presented and make decisions as if all parties had been present.

(f) Records: The Committee may require either party to the hearing to provide any books, records, and/or papers pertinent to whether or not to impose discipline.

(g) Evidence Rules: The hearing shall not be conducted according to technical rules of evidence and witnesses. Any relevant evidence shall be considered if it is the sort of evidence upon which reasonable persons are accustomed to rely on in the conduct of business affairs, regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objection in civil actions. Unduly repetitious or irrelevant evidence shall be excluded upon order of the LRS Governance Committee.

(h) Quantum of Proof and Burden of Proof: The decision of the Committee must be supported by a preponderance of the evidence submitted at the hearing. Initially, LRS Governance Committee shall have the burden of proof in such

proceedings. Once a prima facie case has been made, the burden shall switch to the panel member to show why discipline should not be imposed.

(i) Right of Assistance: All parties to a hearing may have assistance in presenting evidence and developing their positions from attorneys, legal workers, or any other person designated by said parties.

(j) Hearing Record: The Committee shall make available for inspection and copying by the panel member an official record which shall constitute the exclusive record for decision on the issues at the hearing. The record of the hearing shall be obtainable for the cost of copying. The proceeding shall be tape-recorded or transcribed by a court reporter at the option and expense of either party. If the proceeding results in the imposition of any disciplinary action upon the panel attorney, that attorney shall pay all costs and expenses incurred in the preparation of the hearing record within forty-five days of the final decision. The hearing record shall include, but is not limited to:

- 1) All exhibits, papers and documents offered either before or during proceedings;
- 2) A list of participants present;
- 3) A summary of all testimony accepted in the proceeding;
- 4) All findings; and
- 5) All final decisions, orders, or rulings.

(k) Cross-Examination: All witnesses shall testify under oath and will be available for cross-examination.

(l) Time for Making Proposed Decision: The Committee shall prepare a proposed decision. It shall send copies of this proposed decision to the panel member and to the Executive Committee of MCBA. If the proposed decision is to remove a panel member from one or more panels, the proposed decision shall set forth the cause for the reprimand, suspension, or removal and the date the discipline is to take effect. The proposed decision shall become final when approved by the Executive Committee. The Executive Committee shall inform the panel member of its decision.

(m) Final Permissible Disciplinary Actions: A panel member may be reprimanded, suspended, or removed from one or more panels.

(d) Confidential Nature of Disciplinary Proceedings: Reasonable efforts should be made to ensure that communications, deliberations, records, and results of the Committee and the Executive Committee are kept confidential.

(e) No refunds: A panel member who is removed as a result of the imposition of a disciplinary action from one or more panels shall not be entitled to a refund of his/her fees paid to LRS.

16.4 LRS attorneys shall with, thirty days prior written notice from the LRS, comply with reasonable requests to provide information to LRS concerning acceptance or rejection of cases, the handling of cases, client complaints, demands to audit books, records and bank accounts pursuant to Rule 15.5.

#### **RULE 17 ADOPTION OF RULES**

17.1 LRS' Governance Committee approves these rules.

#### **RULE 18 AMENDMENT OF RULES**

18.1 These rules may be amended by the LRS Governance Committee, subject to approval as set forth in Rule 17, for the purpose of complying with law and/or rules promulgated by the State Bar of California or for the purpose of improving the quality of the operations and services of LRS.

## TITLE 3. PROGRAMS AND SERVICES

### DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES

#### Chapter 3. Lawyer Referral Services

##### Article 1. Certification

###### Rule 3.800 Certification required

An individual or organization that refers prospective clients to attorneys must comply with minimum standards and be certified by the State Bar of California as a lawyer referral service unless exempt by law.<sup>1</sup> These rules set forth the minimum standards and certification requirements.

*Rule 3.800 adopted as rule 3.700 January 7, 2011; renumbered as rule 3.800 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

###### Rule 3.801 Application for certification

- (A) To initiate or continue certification, a lawyer referral service must submit an Application for Certification as a Lawyer Referral Service that identifies each county in which it operates.
- (B) Every application must include panel membership criteria, including criteria for suspension and removal that provide for written notice and review with an opportunity to respond.
- (C) An application for initial certification may be submitted at any time. An application for continuance of certification must be submitted with the annual report required by rule 3.828. Within a reasonable time, the State Bar will notify an applicant that certification has been granted or denied or that an application is incomplete or noncompliant.
- (D) An application must be completed in accordance with application instructions and filed with any required fee.

*Rule 3.801 adopted as rule 3.701 January 7, 2011; renumbered as rule 3.801 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.*

###### Rule 3.802 Application fees

- (A) Application fees for initial and continued certification, which are set forth in the Schedule of Charges and Deadlines.<sup>2</sup>

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<sup>1</sup> Business & Professions Code § 6155. See also California Rules of Professional Conduct, rule 5.4.

<sup>2</sup> Business & Professions Code § 6155(f)(4).

- (B) An application fee not received by the deadline is subject to the late penalty set forth in the Schedule of Charges and Deadlines. If the fee and penalty are not received within thirty days of the deadline, certification may be suspended and the lawyer referral service must cease any activity subject to these rules.
- (C) Application fees will be refunded upon written withdrawal of the application by the service. An application may not be withdrawn after certification has been granted. An application fee is otherwise not refundable.
- (D) An application or late fee for continued certification may be waived or reduced. Any request for a waiver or reduction will be reviewed based on demonstrated financial necessity.

*Rule 3.802 adopted as rule 3.702 January 7, 2011; renumbered as rule 3.802 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.*

#### Rule 3.803 Denial of application

- (A) An application for initial certification that fails to comply with these rules is denied in a written notice explaining the denial.
  - (1) Upon receipt of a notice of denial, an initial applicant may submit a written request for reconsideration within thirty days of the date of the notice. The request must explain why the application was compliant and be supported by any relevant evidence.
  - (2) Within sixty days of receiving a request for reconsideration of denial, the State Bar may grant certification or confirm denial of the initial application. If the denial is confirmed, the applicant may submit a petition for review to the State Bar Court in accordance with its rules.
  - (3) Denial of an application for initial certification does not preclude an applicant from submitting a new application. A new application must be submitted in accordance with application instructions and with the fee set forth in the Schedule of Charges and Deadlines.
- (B) An application for continued certification that fails to comply with these rules subjects a lawyer referral service to suspension or revocation pursuant to rule 3.806.

*Rule 3.803 adopted as rule 3.703 January 7, 2011; renumbered as rule 3.803 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

#### Rule 3.804 Issuance of certification

The State Bar may grant certification with or without conditions for two years or a shorter time specified by the State Bar. Certification terminates at the end of the certification period unless renewed in accordance with these rules.

*Rule 3.804 adopted as rule 3.704 January 7, 2011; renumbered as rule 3.804 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

#### Rule 3.805 Audits

Before granting or continuing certification, waiving an application fee, or at any other time, the State Bar may conduct an audit to determine whether a lawyer referral service has complied with these rules. Any audit must be at the expense of the lawyer referral service.

*Rule 3.805 adopted as rule 3.705 January 7, 2011; renumbered as rule 3.805 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

#### Rule 3.806 Suspension or revocation of certification<sup>3</sup>

- (A) The State Bar may suspend or revoke certification of a lawyer referral service for failure to comply with these rules or for other good cause.
- (B) A lawyer referral service is entitled to notice of intention to suspend or revoke certification that states the reasons for the State Bar's action.
- (C) A lawyer referral service may file a written request for review of suspension or revocation of certification within thirty days of receipt of the notice. The request must explain why the action was inappropriate and be supported by any relevant evidence. Failure to request review results in final suspension or revocation of certification.
- (D) The State Bar must respond to a request for review that meets the requirements of these rules within sixty days of filing and give the lawyer referral service an opportunity to support the request. The State Bar may then continue, suspend, or revoke certification with or without conditions as it deems appropriate. The State Bar must provide the lawyer referral service a written statement of the reasons for its determination.
- (E) Within thirty days of receipt of the notice of suspension or revocation, the lawyer referral service may submit a petition for review to the State Bar Court in accordance with its rules. Certification is suspended or revoked for failure to submit a timely petition for review of suspension or revocation.
- (F) Pending review of a denial to continue certification, certification remains in effect unless the State Bar suspends or revokes it.

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<sup>3</sup> See Business & Professions Code § 6155(g).

- (G) When suspension or revocation of certification is final, a lawyer referral service must immediately cease any activity subject to these rules, and the State Bar must notify every panel member of the lawyer referral service that certification has been suspended or revoked.

*Rule 3.806 adopted as rule 3.706 January 7, 2011; renumbered as rule 3.806 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

#### Rule 3.807 Complaints about a lawyer referral service

The State Bar must review a complaint about a lawyer referral service submitted pursuant to these rules<sup>4</sup> within a reasonable time and

- (A) if the complaint demonstrates an apparent violation of these rules or other authority provide the service written notice of the complaint and an opportunity to respond; and
- (B) provide written notice to the complainant regarding what action, if any, it deems appropriate.

*Rule 3.807 adopted as rule 3.707 January 7, 2011; renumbered as rule 3.807 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.*

#### Rule 3.808 Notice

In these rules, a notice or other document is deemed received the fifth day after being sent by first-class mail or upon actual receipt when delivered otherwise.

*Rule 3.808 adopted as rule 3.708 January 7, 2011; renumbered as rule 3.808 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

### Article 2. Minimum standards for lawyer referral services

#### Rule 3.820 General duties of a lawyer referral service

A lawyer referral service must

- (A) have a governing committee; one or more panels of attorneys to provide legal services; staff to evaluate and process requests for legal assistance; and, if engaging in automated referrals as described in rule 3.826(C), appropriate technology and safeguards to ensure accurate referrals;
- (B) encourage widespread attorney membership;<sup>5</sup>

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<sup>4</sup> Rule 3.820(E).

<sup>5</sup> Business & Professions Code § 6155(f)(1).

- (C) serve its community and improve the quality and affordability of legal services by
  - (1) assisting those in need of legal services to find a qualified, insured attorney or other appropriate legal services, including dispute resolution;
  - (2) providing the public with general information about appropriate legal services; and
  - (3) establishing services for persons of limited means, such as a modest means panel, a limited scope panel, flat fee panels, providing a free referral for a 30 minute consultation by an attorney panel member, or providing for services on sliding fee scales or payment schedules; and
- (D) ensure the combined charges to the potential client by the referral service and the attorney to whom the potential client is referred do not exceed the total cost that the client would normally pay if no referral service were involved;<sup>6</sup>
- (E) tell each client how to submit a complaint about the service or one of its panel members and inform the client that an unresolved complaint may be submitted to the State Bar, provided it is in writing and supported by factual information that demonstrates a violation of these rules or other applicable authority;
- (F) if it is a non-profit use its income only to pay reasonable operating expenses and to fund its pro bono, legal services, and other public service programs;
- (G) fully cooperate with any State Bar audit;<sup>7</sup>
- (H) provide each panel member a copy of these rules; and
- (I) at all times comply with these rules and applicable law.

*Rule 3.820 adopted as rule 3.720 January 7, 2011; renumbered as rule 3.820 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.*

#### Rule 3.821 Ownership<sup>8</sup>

A lawyer referral service owned or operated by a bar association is deemed to be owned or operated by its governing committee. An attorney may not directly or indirectly own or operate a lawyer referral service if the attorney individually or jointly receives more than twenty percent of the referrals of the lawyer referral service.

*Rule 3.821 adopted as rule 3.721 January 7, 2011; renumbered as rule 3.821 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

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<sup>6</sup> Business & Professions Code § 6155(a)(2).

<sup>7</sup> See rule 3.805.

<sup>8</sup> Business & Professions Code § 6155(b).



### Rule 3.822 Governing committee

- (A) A lawyer referral service must be supervised by a governing committee of three or more members. A majority of the governing committee must be active licensees of the State Bar. No more than half the members of the governing committee may receive referrals from the lawyer referral service.
- (B) The governing committee must
  - (1) establish criteria for subject matter and general panel membership and use the criteria to evaluate panel members at least once every two years;
  - (2) establish and assess compliance with the referral procedures required by these rules;<sup>9</sup>
  - (3) review and submit the annual report required by these rules;<sup>10</sup>
  - (4) annually survey a random sample of at least ten percent of the clients of the service to determine client satisfaction with services and fees;
  - (5) on the basis of the annual survey, make any operational changes it deems necessary;
  - (6) provide to the State Bar information required to be collected under rule 3.826; and
  - (7) meet at least quarterly.

*Rule 3.822 adopted as rule 3.722 January 7, 2011; renumbered as rule 3.822 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective June 1, 2019.*

### Rule 3.823 Panels

- (A) A lawyer referral service must establish panels of attorney members qualified to provide legal services to the public. The panels must be organized by subject matter but may include a general panel. A lawyer referral service is encouraged to establish moderate and no-fee panels and other special panels that respond to the needs of the public, in order to provide services that serve persons of limited means as required under rule 3.820(C)(3).<sup>11</sup>

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<sup>9</sup> Rule 3.826.

<sup>10</sup> Rule 3.828.

<sup>11</sup> Business & Professions Code § 6155(f)(5).

- (B) At least twenty attorney members, ten of whom are from separate and independent law firms, are required for all lawyer referral services, and each panel must have at least four members. The State Bar may waive these minimum requirements if a lawyer referral service operates in an underserved county or provides written evidence that the size of the community or the number of its attorneys warrants a lesser number, or the service otherwise demonstrates the ability to meet the needs of its service area with a smaller panel.
- (C) A lawyer referral service must require that each panel member
  - (1) have errors and omissions insurance in the amounts set forth in the Schedule of Charges and Deadlines and provide proof of insurance to the State Bar upon request;<sup>12</sup>
  - (2) not receive referrals evaluated and processed by a lawyer referral service staff member employed or otherwise compensated by the panel attorney;
  - (3) if the service operates in more than one county, identify each county the member agrees to take referrals from.
- (D) A lawyer referral service may disclose a panel member's past performance when the information is accurate, complete, and not misleading.

*Rule 3.823 adopted as rule 3.723 January 7, 2011; renumbered as rule 3.823 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.*

#### Rule 3.824 Eligibility for membership

Only an active licensee of the State Bar practicing in the community served by the lawyer referral service may be a member of the service. A member of any service that operates in more than one county make take referrals from any of the counties in which the service operates; provided, however, that the member must agree to travel to each county as reasonably necessary to perform legal services (such as client meetings), and must either maintain a place of business in each county or be able to offer an otherwise suitable location or method for the performance of such services. Remote services may be provided if they are adequate to meet a client's needs. To serve on a subject matter panel, such a member must meet the experience and other substantial and objective criteria of the lawyer referral service. Certification as a legal specialist qualifies an attorney to serve on a panel that deals with the area of certification, provided the attorney meets other criteria for panel membership.

- (B) Panel membership may not be contingent upon membership in a sponsoring entity.

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<sup>12</sup> Business & Professions Code § 6155(f)(6).

*Rule 3.824 adopted as rule 3.724 January 7, 2011; renumbered as rule 3.824 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective June 1, 2019.*

#### Rule 3.825 Panel membership fees

- (A) Panel membership fees must be reasonable, encourage widespread panel membership, and otherwise comply with these rules and applicable law.<sup>13</sup>
- (B) Panel membership fees may not in any way be based on or guarantee contacts, calls, cases, referrals, or clients.
- (C) Panel members who are not members of a sponsoring entity may be required to pay a nominal charge for administrative services.

*Rule 3.825 adopted as rule 3.725 January 7, 2011; renumbered as rule 3.825 November 4, 2011; approved by the Supreme Court effective January 21, 2014.*

#### Rule 3.826 Referrals

- (A) The governing committee of a lawyer referral service must establish fair and impartial procedures to assure that referrals are allocated equitably to panel members and respond insofar as possible to clients' legal needs and other circumstances, such as geographic convenience and language issues.
- (B) All referrals in a geographical area may not be made to a single attorney or law firm. The State Bar may deny certification or recertification, or suspend or revoke certification, for failure to make referrals fairly and impartially to panel members or to maintain current and complete records of referrals.
- (C) If a lawyer referral service makes any referrals using purely technological means, the service must:
  - (1) for a minimum of twelve (12) months immediately following the implementation of any automated referral system, establish quality control and assurance measures that, at a minimum:
    - (a) make reasonable efforts to follow up within two (2) business days of each automated referral to evaluate whether the client's needs were adequately met; and
    - (b) allow for electronic feedback from clients regarding whether the automated referral was successful or failed to meet client's needs.

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<sup>13</sup> Business & Professions Code § 6155(f)(1). See rule 3.820(B).

After twelve (12) months, the service may reduce its quality control and assurance efforts to follow up with twenty-five percent (25%) of automated referrals if it demonstrates to the State Bar that the automated referral system results in successful referrals at a rate as high or higher than traditional referral methods. The service may make such a demonstration with customer satisfaction surveys, or other appropriate methods. The requirements of this subsection also apply after the adoption of a new technological platform, but do not otherwise apply to incremental software updates or similar improvements to an existing automated referral system;

- (2) ensure that any client who encounters a technical problem or any other difficulty or delay in using service's automated referral system is provided with information to contact an appropriate service staff member during regular business hours;
  - (3) forgo any fee if a referral is made that does not accurately reflect the needs of the client, unless the fee is applied to further referral efforts in the same matter that are successful;
  - (4) regularly analyze the efficiency and accuracy of the automated referrals and make adjustments to the technological platforms as needed; and
  - (5) provide data to the State Bar enumerating how many requests for referrals were made in a calendar year through the service's automated referral system, and how many such referrals were made using purely technological means.
- (D) A referral may not
- (1) discriminate on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, general expression, sexual orientation, age, military and veteran status, or other category of discrimination prohibited by applicable law, whether the category is actual or perceived;<sup>14</sup>
  - (2) violate restrictions against unlawful solicitation and false and misleading advertising or otherwise violate the Rules of Professional Conduct or law applicable to a licensee of the State Bar; or
  - (3) be made directly or indirectly by a person employed or otherwise compensated by an attorney or firm to whom the referral is made.

*Rule 3.826 adopted as rule 3.726 January 7, 2011; renumbered as rule 3.826 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective June 1, 2019.*

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<sup>14</sup> See Rules of Professional Conduct, rule 8.4(c)(1).

## Rule 3.827 Records

- (A) A lawyer referral service must maintain and provide to the State Bar upon request current records
  - (1) for each panel member that include
    - (a) name, contact information, and qualifications;
    - (b) number and type of referrals, including whether referrals were made using purely technological means; and
    - (c) fees remitted for membership, referrals or consultations, advertising; or any other reason; and
  - (2) for each referral that include
    - (a) the client's name and contact information;
    - (b) type of matter, date of referral, and whether each referral was made using purely technological means; and
    - (c) panel member to whom the referral was made.
  - (3) sufficient to demonstrate compliance with section (C) of rule 3.826.
- (B) Any record in the possession of the State Bar pertaining to a lawyer referral service is the property of the State Bar and confidential unless authorized for disclosure by these rules, order of the Board of Trustees, or consent of the lawyer referral service.

*Rule 3.827 adopted as rule 3.727 January 7, 2011; renumbered as rule 3.827 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.*

## Rule 3.828 Annual report

- (A) The governing committee of a lawyer referral service must submit an annual report of its activities and those of the lawyer referral service. The report must at a minimum
  - (1) provide a detailed accounting of
    - (a) all sources and amounts of income, expenses, and reserves during the reporting period;

- (b) the disposition of any reserves or surpluses derived from activities of the service during the reporting period and the immediately preceding reporting period;
  - (2) include statistics derived from the records the service is required to maintain, including information about the proportion of referrals made through an automated referral system;<sup>15</sup> and
  - (3) summarize the annual client survey and any operational changes it prompted.<sup>16</sup>
- (B) Failure to submit an annual report on time suspends certification unless the State Bar extends the report deadline for good cause.

*Rule 3.828 adopted as rule 3.728 January 7, 2011; renumbered as Rule 3.828 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.*

#### Rule 3.829 Publicity

- (A) Publicity, which includes advertising or any other kind of promotional material, must
- (1) indicate that the purpose of the lawyer referral service is to serve its community and improve the quality and affordability of legal services as required by these rules;<sup>17</sup> and
  - (2) acknowledge any sponsorship by the lawyer referral service; identify the counties in which the service operates; and provide the State Bar certification number or certification mark.
- (B) Any publicity by a lawyer referral service must comply with the California Rules of Professional Conduct and any other legal requirements.
- (C) A copy of any publicity
- (1) must be submitted with an application for certification or recertification; and
  - (2) may be required with the annual report.<sup>18</sup>

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<sup>15</sup> See rule 3.826(C).

<sup>16</sup> Rule 3.822(B)(4) and (5).

<sup>17</sup> See rule 3.820(C).

<sup>18</sup> Rule 3.828.

*Rule 3.829 adopted as rule 3.729 January 7, 2011; renumbered as rule 3.829 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended March 7, 2014; approved by the Supreme Court effective December 1, 2014.*