

STATEMENT OF STANDARDS AND RULES

A Public Service of the
Nebraska State Bar Association

Nebraska State Bar Association
FIND-A-LAWYER Program

October 8, 2015

STATEMENT OF STANDARDS AND RULES

ARTICLE ONE

Purpose

The purpose of the Nebraska State Bar Association “Find a Lawyer Program” is to assist members of the general public in need of legal assistance by providing information and referrals to attorney panel members in good standing with the Nebraska State Bar Association.

ARTICLE TWO

Organization

Section 1. Name

The Nebraska State Bar Association “Find a Lawyer Program” shall be referred to in this Statement of Standards and Rules as the “Find a Lawyer Program”.

Section 2. Rules of Operation

These Rules of Operation shall govern the Find a Lawyer Program sponsored by the NSBA.

Section 3. Terms and Definitions

The following terms and definitions apply to these Rules of Operation

- 3.1 “Client” means members of the general public requesting profiles of attorney panel members in good standing with the NSBA.
- 3.2 “Committee” means the Find a Lawyer Advisory Committee.
- 3.3 “Executive Director” means the Executive Director of the NSBA.
- 3.4 “Find a Lawyer Website” means the Web site of the Service.
- 3.5 “House of Delegates” means the House of Delegates of the NSBA.
- 3.6 “Malpractice Insurance” means a Professional Liability Insurance errors and omissions policy with a minimum \$100,000 per claim and \$300,000 aggregate.
- 3.7 “Panel member” means an attorney approved to participate in the Find a Lawyer Program.
- 3.8 “Program” or “Service” means the NSBA Find a Lawyer Program.
- 3.9 “NSBA” means the Nebraska State Bar Association.
- 3.10 “Rules” or “Rules of Operation” means the Statement of Standards and Rules.

Section 4. Administration

The Service shall be operated in accordance with these Rules of Operation and any amendments the House of Delegates may adopt from time to time. The Service shall be administered by the House of Delegates.

Section 5. Management

The Service shall be managed by the Executive Director who, together with NSBA personnel supervised by the Executive Director, is subject to the approval and continuing jurisdiction of the House of Delegates. The Executive Director or designee shall make periodic reports to the

Committee as requested by the Chair of the Committee. The Executive Director or designee shall maintain records required by the Committee or the House of Delegates.

Section 6. Advisory Committee

The NSBA Find a Lawyer Program Advisory Committee shall provide oversight for the NSBA Find a Lawyer Program and shall perform the duties outlined in these *Statement of Standards and Rules*. The Committee shall be appointed by the President and shall consist of the Chair of the House of Delegates, a representative from the Young Lawyers Section, two (2) representatives from the Omaha-metro area, two (2) representatives from the Lincoln-metro area, two (2) representatives from greater Nebraska, and two (2) at-large representatives. An Annual Report shall be submitted to the NSBA House of Delegates regarding the operation of the program.

ARTICLE THREE **Administration**

Section 1. Attorney Eligibility

Any attorney member of the NSBA in good standing as defined in these Rules and engaged in the active practice of law in the state of Nebraska may apply for registration with the Service by submitting a completed application, resume, proof of malpractice insurance, and payment of the annual registration fee of \$100 for dues paying members or \$300 for non-dues paying members. The annual registration fee will not be prorated for applications received after the beginning of the fiscal year. Prospective panel members must agree to comply with the Rules of the Service.

Section 2. Panel Membership in the Find a Lawyer Program

To be approved for registration as a panel member, the attorney

- 3.2.1 must possess and maintain an active license to practice law in Nebraska;
- 3.2.2 must be a member of the NSBA, in good standing;
- 3.2.3 has not, during the five years preceding application to the program, been suspended from the practice of law in Nebraska or any other state, excepting for nonpayment of state bar dues in a state other than Nebraska;
- 3.2.4 has not been subject to disbarment in Nebraska or any other state;
- 3.2.5 has not served a sentence or been placed on probation for a crime involving moral turpitude;
- 3.2.6 must maintain malpractice insurance in the minimum of \$100,000 per claim and \$300,000 aggregate; and
- 3.2.7 must waive liability against, indemnify and hold harmless the NSBA, its members, agents, the House of Delegates, and the Advisory Committee from all actions, claims, demands, liability or loss that may arise from or result from the member's participation in the Find a Lawyer Program.
- 3.2.8 before registration with the Service, read the Rules of Operation, agree to abide by and be bound by them, and execute a declaration acknowledging same.

Section 3. Fiscal Year

The fiscal year for the Service shall begin January 1 and end December 31 of each calendar year. Applications for membership may be submitted anytime during the fiscal year. Each December, NSBA staff will contact participating attorneys and offer to update their profile. Membership will be automatically renewed for the following year unless the attorney notifies the NSBA in writing that they would no longer like to participate. Members suspended for failure to timely renew membership must comply with the requirements described in Article Three, Section 1 prior to reinstatement and pay the required annual registration fee.

Section 4. Panel Areas

The Committee shall establish subject matter panels in areas of law it deems appropriate.

Section 5. Website Disclaimers

The Find a Lawyer Website will provide the following notice/disclaimers:

This Web site (Site) is owned and operated by the Nebraska State Bar Association (NSBA) Find-a-Lawyer Program. The Find a Lawyer website is a public service intended to provide site visitors information about Nebraska lawyers who subscribe to the Site, and to provide helpful information and resources on legal topics and legal services in Nebraska.

Terms of Use

By using this Site, you acknowledge you have read, understand, and agree to the terms, conditions, and notices (Terms of Use) contained on the Site. NSBA Find a Lawyer may modify these Terms of Use at any time without notice of such modifications. You should read the Terms of Use every time you access the Site. Do not use the Site if you do not understand or agree to the Terms of Use.

Lawyer Listings

This Site provides names, contact, and practice information for lawyers who subscribe to the NSBA Find a Lawyer Program. The Lawyers are not employees or agents of the NSBA. Representations and information in the Lawyer profile are made by the Lawyer, not the NSBA. The NSBA makes no representation or warranty about the Lawyer or the legal advice and services provided by the Lawyer. Lawyers must be active members of the Nebraska State Bar, in good standing, and must maintain professional liability insurance. Clients are responsible to investigate and inquire about the Lawyer's experience, fees, and services before hiring the Lawyer. The NSBA is not responsible for your selection or retention of a Lawyer from this Site.

Lawyers agree to provide up to a 30-minute initial consultation for \$0-\$50, depending on the type of legal matter. Clients are responsible to confirm the initial consultation fee with the Lawyer before scheduling the appointment. Clients are responsible to negotiate the attorney fee for legal services before you hire the Lawyer. The NSBA is not responsible for fee disputes between you and the Lawyer.

Legal Notices/Disclaimers

Nebraska law applies to these Terms of Use and your use of this Site. By using the Site, you agree the Nebraska state and federal courts have exclusive subject matter jurisdiction over any claim or action related to or arising from your use of the Site or the Terms of Use. You also agree the Nebraska courts have personal jurisdiction over you or your legal representative.

The NSBA, its agents, members, and employees are not liable to you for damage related to any inaccuracy or error in the information on this Site, your use of this Site, interruption or delays in accessing this Site, or actions or inaction by a Lawyer you contact by use of this Site.

The content and materials on the Site are protected by federal and state proprietary laws. Collecting or compiling a database or directory of information retrieved from this Site and any reproduction, copying, or redistribution of the Site materials, content or design are prohibited without the prior, written permission of the NSBA. Contact findalawyer@nebar.com.

The Site may provide links to a Lawyer's Web site or to other Internet sites. NSBA does not control the content or information of third-party sites and is not responsible for the accuracy, legal information or legality of the site. Links on the Site do not imply the NSBA endorses or associates with Lawyers or other owners and operators of a linked site.

This Site may be considered attorney advertising in some states. The choice of a lawyer is an important decision and should not be based solely on advertisements. The content or information on this Site may not be appropriate or lawful outside Nebraska. Users who access this Site outside Nebraska are responsible for compliance with local laws.

The NSBA reserves the right to terminate access to all or part of the Site with or without notice to users.

Section 6. Suspension or Removal of Panel Members; Appeal Process

A panel member may be suspended or removed from the Service for any of the following:

- 3.6.1 Failure to pay the annual registration fee.
- 3.6.2 Failure to maintain the required professional liability insurance.
- 3.6.3 Failure to maintain an active Nebraska law license, in good standing.
- 3.6.4 Falsifying a material statement made in the application to the Service or in any required report or document.
- 3.6.5 Good cause, including violations of the Nebraska Supreme Court Rules, Rules of Professional Conduct governing attorneys, or these Rules of Operation.
- 3.6.6 Majority vote of the Committee.

The Committee may suspend or remove a panel member for action or inaction the Committee determines warrants suspension or removal. The Committee shall provide the panel member written notice of the suspension or removal. The member may appeal the suspension or removal by a written request for reconsideration within 30 days of the suspension or removal. Notice will be sent to the Executive Director. Notice of all suspensions, removals, and violations of the Nebraska Supreme Court Rules and Rules of Professional Conduct will be forwarded to the appropriate entity for its review. For example, a suspension based on a violation of the Nebraska

Supreme Court Rules or Rules of Professional Conduct will be referred to the Nebraska Counsel for Discipline.

Any panel member approved for reinstatement must pay any unpaid annual registration fee or additional panel fees.

Registration and additional panel fees will not be reimbursed for a suspension or removal.

Section 7. Panel Member Withdrawal from the Service

A panel member may withdraw from the Service at any time by submitting written notice to the Executive Director. The annual registration fee and additional panel fees will not be reimbursed.

Section 8. Client Fee Structure

Panel members must provide professional services to clients referred by the Service within the following fee structure:

- 3.8.1 **Initial Consultation Fee:** Thirty minute consultation with a suggested maximum fee of \$50. The panel member shall not charge a consultation fee for the initial consultation if, in the regular course of the member's business, the initial consultation is free. The panel member shall inform the client the initial consultation fee does not include preparation of any legal documents.
- 3.8.2 **Contribution to NSBA Volunteer Lawyers Project:** The Program does not require panel members to pay the Service a percentage of fees earned for the referral. Panel members are encouraged to donate a part or the entire consultation fee to the NSBA Volunteer Lawyers Project to help fund services to low-income persons.
- 3.8.3 **Fee Agreement:** Fees for additional legal services will be subject to a written agreement between the panel member and client.
- 3.8.4 **Fee Dispute Arbitration:** The fee agreement will inform the client about the NSBA Fee Arbitration Service. At the request of the client, disputes as to fees will be submitted to the NSBA Fee Arbitration Service.

Section 9. Ethical Considerations

Panel members shall be guided, governed and bound by the Nebraska Supreme Court Rules, the Rules of Professional Conduct governing attorney conduct, and by these Rules of Operation. Ethical violations, including failure to abide by these Rules of Operation, will be promptly reported to the Nebraska Counsel for Discipline and may result in suspension or removal as a panel member.

ARTICLE FOUR Amendment to Rules

Section 1. Amendment Procedures

These Rules may be amended or repealed by a majority vote of the Committee, subject to final approval by the House of Delegates of the Nebraska State Bar Association.

DECLARATION

I declare:

I am an attorney in good standing with the Nebraska State Bar Association, and I will abide by the Rules of the Nebraska Supreme Court, the Rules of Professional Conduct governing attorney conduct, and the Rules of Operations of the NSBA Find a Lawyer Program.

I will indemnify and hold harmless the Nebraska State Bar Association, its members, agents, and the LIRS Committee from all claims, demands, actions, liability or loss which may arise from or be incurred as a result of the operation of the Service or referrals of clients to me through the Service, or the use of information contained in the registration form. I consent to the disclosure of information I provide to the NSBA Find a Lawyer Program for publication on the Find a Lawyer Website and to clients referred to me.

I have and will maintain in force a Lawyer’s Professional Liability insurance policy with a minimum coverage of \$100,000 per claim and \$300,000 aggregate.

I have not at any time during the five years preceding my application (1) been subject to suspension from the practice of law in Nebraska or another state other than for non-payment of state Bar dues in a state other than Nebraska; (2) been subject to disbarment in Nebraska or another state; (3) served a sentence or placed on probation for a crime involving moral turpitude.

If my application for registration as a panel member is approved, I will promptly notify the Executive Director of the NSBA of any:

- change of address, telephone, email or other contact information;
- change of employment or employment status;
- change in panel selection(s);
- notification of pending attorney disciplinary charges; or

Although not required, I will consider contributing the initial consultation fee I earn for each paid consultation resulting from my participation in the Find a Lawyer Program to the NSBA Volunteer Lawyers Project.

By signing below, I acknowledge I have read the Statement of Standards and Rules in its entirety. I agree to abide by and be bound by all terms and conditions stated in those Rules.

Attorney Signature

Date

NSBA No.: _____

Please make a copy of all application documents for your records and future reference.

Welcome to the Nebraska State Bar Association Find a Lawyer Program. Your application to participate in the NSBA Find a Lawyer Program has been approved. In addition to your responsibility to comply with the Rules of the Nebraska Supreme Court, the Rules of Professional Conduct governing attorney conduct, and the Rules of Operations of the Lawyer Referral Information Service, you are required to immediately notify the NSBA upon the occurrence of the following:

- Change of address, telephone, email or other contact information
- Change of employment or employment status
- Change in panel selection(s)
- Notification of pending attorney disciplinary charges
- Termination or lapse in required Professional Liability Insurance policy

Also, although not required, we hope you will consider donating the initial consultation fee you received for consultations resulting from your participation in the Find a Lawyer Program to the NSBA Volunteer Lawyers Project.

Thank you for your participation in the NSBA Find a Lawyer Program. Please keep a copy of this letter, your application, and the Rules of Operation for your records and future reference.