

Lawyer Referral Service

of CENTRAL TEXAS



DESCRIPTION AND RULES OF OPERATION

1. History and Purpose

The Lawyer Referral Service of Central Texas (LRS) is organized and operates to provide a public service by which any person may readily obtain legal services at an affordable fee, or referral information for appropriate legal service, or both.

LRS is a non-profit organization created by the Austin Bar Association (formerly Travis County Bar Association) in 1966 to assist individuals who do not have counsel and who are seeking help with a legal problem. Persons contacting contact LRS are either referred to a lawyer who has indicated that he or she is qualified to handle the legal problem presented or referred to community service organization. It is the responsibility of the Bar, and the professional responsibility of every lawyer, to make legal services available to all persons. In many ways, LRS serves as a clearinghouse for the entire legal community in the greater Austin area. Further objectives of LRS are:

- To acquaint people in need of legal services with the value of consultation with an attorney;
- To aid in the selection of a lawyer by providing information about lawyers and the availability of legal services;
- To provide general legal information needed by the public; and
- To encourage lawyers to recognize their obligation to provide affordable legal services to persons in need of such services.

2. How Does It Work?

One of the hallmarks of the referral service is screening. Referrals are made from information gathered during the screening process based on legal need, geographic area, and language spoken. The attorney next on the rotating list will receive the referral. The attorney's record will then be rotated to the bottom of the referral list of that particular area of the law. If a panel member is not available for calls or consultations (vacations, seminars, etc.) please contact the LRS office to be placed on temporary hold.

The client is given the name and telephone number of one panel member and is then transferred directly to the lawyer's office to arrange an appointment (unless the caller requests otherwise). Generally, the caller will receive one referral per phone call. The exception, when the caller will receive two referrals, is when they are calling from out of town or if they request two names. If two referrals are given, no call transfer is made.

The client is also advised:

- to inform the panel member's office that this is a Lawyer Referral Service referral;
- that they are entitled to a half-hour consultation with the panel member for no more than \$20;
- that fees involved in representation should be discussed with the attorney.

Following the referral, a referral confirmation notice will be sent to the panel member and a comprehensive status report will be sent monthly. The Lawyer Referral Service will also send a survey to clients to follow-up on the service provided to the client by the LRS and the panel member.

3. How to Join

Complete an application including the Member Information Sheet, Subject Matter Applications, pay member dues, and provide a copy of the declaration page of the professional liability insurance policy. **Contact Jeannie Rollo at 472-1311 to schedule an appointment.**

LRS MEMBERSHIP RULES

I. Membership Criteria

Membership is extended to all Travis, Hays, Bastrop and Williamson County attorneys licensed to practice law and members in good standing with the State of Texas, who are engaged in the full-time, private practice of law.

Members must maintain an office in the county(ies) that LRS serves. The office is one in which the attorney maintains a full time practice of law. The Director, with the advice and consent of the LRS Board of Trustees, will have discretion to evaluate the type of practice and how that affects the attorney's ability to serve the geographical area. The LRS Board has final discretion in allowing exceptions. Office space must be completely separate from living space with a separate entrance. For home offices that do not have a separate entrance and meeting space, all attorney/client meetings must take place in a courthouse, law library, law office conference room, or other similar setting to insure safety, privacy, and professionalism.

Panel members must carry profession liability insurance with limits not less than \$100,000 per claim and \$300,000 aggregate. Panel members must attach a copy of the declaration page of the policy to the application for membership. LRS will notify the panel member when the policy has expired and LRS will place the attorney on inactive status until current insurance information has been received. Panel members have the affirmative duty to notify LRS of renewal, cancellation, or other changes to the insurance policy, and should authorize the insurance carrier to supply LRS with any information concerning the policy.

Panel members must possess legal ability and competency to handle legal issues in the categories they have designated for referrals. Panel members must demonstrate personal reliability and integrity and comply with all rules of the Lawyer Referral Service of Central Texas.

II. Membership Dues (non refundable/non prorated)

Annual membership fees are: (membership year is July 1 through June 30 effective of 2/2/09/new dues structure will be put in place July 1, 2010.)

- a. \$200.00 if licensed more than 3 years.
- b. \$175.00 if licensed 1 to 3 years.
- c. \$150.00 if licensed less than 1 year.

To encourage participating in a local bar association, new LRS panel members, joining for the first time, will receive a \$50 discount on LRS dues when they also join the bar association (effective 3/3/2009).

III. Consultation Fees

Referral clients will be informed about the initial consultation fee and that further services and fees will be decided upon privately. Please refer the referral client back to the referral service if representation is denied. If a panel member plans to exceed thirty minutes and charge for the time that exceeds thirty minutes, make certain the referred client understands all fees prior to the start of the consultation. Panel members must have in place written fee agreements.

Panel members must collect a \$20.00 consultation fee from the client at the first appointment. The charge is for consultation only. Please use discretion in giving advice over the phone. Please collect the initial consultation fee immediately before meeting with the client. Checks should be made payable to the Lawyer Referral Service. Please do not forward cash to LRS.

For personal injury (including workers comp), bankruptcy, mediation, and social security disability cases, the attorney must remit the \$20.00 referral fee to LRS on all cases if the panel member has been retained and receives a fee. Please do not charge this fee to the client. This fee applies regardless of whether the case generates more than \$400.00. The status reports will reflect "retained, no consult fee" until the consult fee has been paid.

IV. Fee Agreements

Compensation for additional time or services beyond the initial one-half hour consultation must be agreed to between the panel member and the client before the client is charged any fee beyond the \$20.00. Please be sure the client understands that additional fees may apply upon the expiration of the initial thirty-minute consultation. All participating panel members *must* have written fee agreements with clients who retain them through the LRS referral. Please contact the LRS office for sample fee agreements.

V. Percentage Fees

The combined fees and expenses charged a referred client should not exceed the total charges that the client would have incurred had no referral service been involved.

Panel members are required to pay the Lawyer Referral Service a 15% referral fee on each LRS case that generates a fee of \$400.00 or more. This formula is based on all fees received. For example: On a \$1,000.00 legal fee, the referral fee would be \$90.00, i.e., 15% of \$600.00.

If the referred lawyer and the client enter into an agreement whereby the referred lawyer will provide legal services to the client for which the client will pay a fee, then percentage fees will be due the LRS upon payment of the fees by the client. No percentage fee is due on the first \$400 in fees paid by the client, in other words, there is a \$400 deductible. For all fees earned thereafter, fifteen percent (15%) is due the LRS. After collection of the first \$400 in fees, the referred lawyer shall remit 15% of all fees paid to the lawyer (whether the client has paid in response to a bill or whether the attorney has billed against funds held in trust) to the LRS on the next status report cycle, even if the attorney anticipates that additional fees will be paid in the future by the client.

If the referred lawyer fails to remit the appropriate percentage fee to the LRS within the next status report cycle, the Director shall notify the lawyer requesting immediate remittance of the appropriate percentage fee to the LRS. At the same time, the Director shall remove the lawyer's name from the referral panels until the percentage fees are paid. A \$25 reinstatement fee may apply if the panel member has failed to update status reports beyond the second reporting cycle and has been suspended.

When fees are returned with a status report, please indicate whether the amount is a percentage fee or consultation fee and for which client the monies will be applied.

The following must occur for LRS to close and process a final status on a referred case:

- Please indicate on the status report all fees received, the date fees were paid, and **submit the final client billing or settlement statement with the status report.**
- LRS must receive all fees within 30 days from the receipt of fees.
- If the referred lawyer fails to remit the appropriate percentage fee to the LRS within 30 days of closure of a referred matter, the Director shall contact the panel member, requesting immediate payment of the appropriate percentage fee to the LRS.
- If the member is delinquent, the Director shall remove the lawyer's name from the referral panels until the percentage fee is paid. If the lawyer fails to respond within 15 days of the receipt of the notification sent by the Director, the Director will present the matter to the Collections Committee for submission to collection, pursuant to LRS Section VII of the LRS Membership Rules. At the discretion of the Director and/or Committee, the Board of Trustees of the Lawyer Referral Service of Central Texas may be notified when a panel member has failed to remit the appropriate forms and/or funds to LRS. The Board of Trustees of the LRS of Central Texas may also take whatever action is deemed appropriate, including initiating collection actions and imposing a collection penalty in addition to fees due LRS.
- After the third suspension for failure to pay fees due LRS the panel member is subject to removal from LRS.

If LRS refers a caller who puts other people in touch with LRS attorney for the *same case*, LRS is entitled to 15% of fees from all related cases. However, if the LRS referred case closes and some time later the client re-contacts the attorney on another matter, LRS will not require the 15% fee on the matter unrelated to the LRS referral.

If a LRS panel member cannot handle an LRS referral, the client must be referred back to the LRS for another referral. **Under *no circumstance* should panel member refer an LRS caller to a non-LRS attorney or broker a referral.** Please contact the LRS with any questions. There is an ongoing obligation to remit percentage fees to LRS. If LRS member decides to share the LRS referral with another attorney, LRS must still receive 15% of *all* fees generated (including those paid to attorney brought in on case). There shall be no brokering of clients or cases referred by LRS.

LRS is entitled to (a) know the outcome of any legal representation, (b) the fees received, and (c) to audit the file to determine if it has received the appropriate amounts. Upon the settlement of any such action, the attorney shall be obligated to include LRS with those who have a right to know about a settlement, to the extent necessary to allow LRS to have knowledge of the terms of the settlement, including all fees paid in the case, whether paid directly by another party, or by settlement proceeds, so that LRS may determine the portion of the fees to which it is entitled.

VI. Subject Matter Panel Application

Members must submit Subject Matter Applications to participate in the many panels. Some applications require proof of experience in particular practice areas. All membership information may be found at www.AustinLRS.org.

VII. Fee Disputes/Audits

Fee disputes arising between LRS and member attorneys that cannot be resolved through intervention by the Executive Director, the Collection Committee, or the Board of Trustees, are subject to collection procedures by LRS.

In an effort to facilitate collection efforts, LRS may require the panel member allow LRS or its agent to examine and audit members' financial or accounting records and the legal files with regard to referred clients. The audit may include, but is not limited to, chart of accounts, general account records, court filing records, calendars, appointment records, time sheets, docket sheets, engagement letters, fee agreements, and contracts with LRS clients.

VIII. Referral Forms

Daily referral confirmation reports will be emailed to the attorney's office when a referral is made. Please retain the forms or return them with payment to LRS.

Comprehensive status reports will be faxed (soon to be posted on the LRS website [www.AustinLRS.org]) once a month listing all pending or open cases. Failure to return the forms within thirty days will be grounds for suspension from the rotation. A \$25 reinstatement fee may apply to suspended panel members whose reports are over 60 days late. Reports will be considered delinquent until completed and fees paid. When fees are paid, please indicate whether the amounts are percentage fees or consultation fees. Please indicate on the status report all attorneys' fees received.

IX. Follow-up

LRS sends follow-up surveys asking if clients consulted with the panel member, amounts of fees paid, and if they were satisfied with how their matter was handled. Any pertinent information will be forwarded to panel members, and, if deemed necessary by the Director of the LRS, to the Board of Trustees. LRS routinely monitors referrals by checking court dockets, legal notices, etc.

MATCH PROGRAM PANEL

The Match Program is a reduced fee program through which LRS matches low to modest income clients with attorneys willing to handle their case at the reduced rate of \$75.00 per hour (maximum). The Match Program is currently available for family law matters, guardianship cases, and drafting of simple wills. Your decision to join the Match Program will help meet the profession's responsibility of providing legal services to all low income Central Texans who qualify. Ask the LRS office for more information. To encourage involvement in this program, LRS provides professional liability insurance coverage for participating Match attorneys who take only Match referrals. The insurance covers Match cases only. If you participate in the Match Program ONLY, your membership dues will be waived the first year. If you join both LRS and Match, you must pay full LRS membership dues and carry malpractice insurance.

LAWYER OF THE DAY

As part of a "24 hour service," criminal law panel members can participate after 5pm and holidays as "on call" attorneys to receive emergency and jail calls. You are permitted to handle all cases in which you are qualified under LRS guidelines. You are entitled to fees for any service performed and obligated by the terms of your agreement with LRS to contribute the first \$20.00 consultation fee to LRS. If you are interested, please call 472-1311 for further information.

MENTOR PROGRAM

The Lawyer Referral Service offers a mentoring program, particularly for attorneys participating in the family law matters through the Match Program. If you agree to mentor, your name will be given to your protégé needing a consultation on a legal matter. Mentors will not be of record, nor be required to hold lengthy meetings with protégé. Mentors should be willing to accept occasional phone calls and offer information or support on difficult cases.

LAWFON

LawFON (Lawyer Friends of Non-profits) is a program where legal work is provided to qualifying non-profits at a reduced rate \$70.00 per hour. The non-profit will also receive a one-hour consultation for \$20, payable to LRS. If you are interested in providing this service, please contact LRS for more information.

LEGALLINE

On the first Tuesday of each month, attorney volunteers take calls from the public to give brief legal advice and assistance. All calls remain anonymous. If more in-depth legal advice is needed, the attorney volunteers refer callers to other agencies or to LRS for a referral. Please volunteer for this worthwhile service.

**DISCIPLINARY PROCEDURES
SUSPENSION AND TERMINATION OF MEMBERSHIP**

- I. Membership in the Lawyer Referral Service of Central Texas, Inc. is a privilege extended to those attorneys who meet the stated qualifications and agree to comply with LRS regulations. Those qualifications include the requirements that you:
- a. Be a member in good standing of the State Bar of Texas;
 - b. Engage in the full-time, private practice of law;
 - c. Maintain suitable office for receiving clients. Office space must be completely separate from living space with separate entrance and in a commercially zoned area;
 - d. Posses legal ability and competency to handle legal issues in the categories designated for referrals; and
 - e. Demonstrate personal reliability and integrity.
- II. The attorney has an affirmative duty to inform LRS within five (5) days if he/she receives a public or private reprimand, is placed on probation, suspended, or disbarred by the State Bar of Texas, is charged by information or complaint with a misdemeanor offense that constitutes a crime of moral turpitude, or is indicted on felony charges. The LRS conducts a check of disciplinary records of all panel members on a weekly basis.
- III. The Director is empowered to suspend any attorney member indefinitely for one or more of the following violations:
- a. Failure to return referral slips and/or fees with thirty (30) days of the date of the referral;
 - b. Failure to update LRS membership materials;
 - c. Failure to provide proof that professional liability insurance is in force and effect;
 - d. Failure to remit fees owed LRS;
 - e. Failure to respond to LRS inquiries regarding delinquent fees or client complaints, or
 - f. Failure to notify LRS of any public or private reprimand as outlined in section II above.

The Director will send written notice, via postal or electronic mail, of the suspension to the attorney at his/her last known address on or before the date the suspension commences. The attorney's status shall not be jeopardized by such action except that the referrals will not be made during this suspension. If the attorney has not cured the violation within sixty-two (62) days to the satisfaction of the Director, he/she will be subject to termination from the panel. If an attorney is terminated for refusal to pay fees due to LRS, his/her firm will be considered liable to LRS for the fees.

Any member whose membership is suspended or terminated under Section I, II, or III of the Disciplinary Procedures will not be allowed to renew his/her membership until the violation causing the suspension or termination has been cured. Any member who has been terminated will have to present his/her application to the Board of Trustees for readmittance to the panel.

- IV. The Director is empowered to suspend any attorney for a period not to exceed sixty-two (62) days for any good cause including but not limited to the following violations:
- a. Any public or private reprimand, probation, suspension or disbarment from the State Bar of Texas;
 - b. Any indictment for any felony or charged by information or complaint with a misdemeanor offense that constitutes a crime of moral turpitude;
 - c. Filing of formal criminal charges involving moral turpitude;
 - d. Litigation relating to suspension or disbarment from the State Bar of Texas;
 - e. Failure to meet or maintain the qualifications for membership in LRS established by the Board of Trustees;
 - f. Engaging in conduct harmful or injurious to the goals, reputation, or interest of LRS, including:
 - g. Giving the client the impression that persons referred by LRS are entitled to less consideration than other clients;
 - i. Consistent unavailability to referred clients;
 - ii. Consistent refusal to make or keep appointments with referred clients;

- iii. Rudeness to clients;
- iv. Repeated fee disputes with clients; or
- v. Consistent or excessive complaints from referred clients.

The Director will send written notice, via postal or electronic mail, of the suspension to the attorney at his/her last known address on or before the date the suspension commences. The letter will include specific reference to the nature of the violation, the date of the suspension, and notice that failure to cure the violation to the satisfaction of the Director within the time period stated will result in termination of the attorney's membership in LRS. The attorney's status shall not be jeopardized by such action except that referrals will not be made during the suspension.

If, within sixty-two (62) days of the date the suspension commences, the attorney does not cure the violation to the satisfaction of the Director, the Director will terminate the attorney's membership. The Director will send written notice of this action restating the nature of the violation.

- V. Administrative termination may be appealed by written request to the Director. The Director will designate the date of the next Board of Trustees' meeting as the hearing date and will notify the attorney and all members of the Board of Trustees of the date and nature of the hearing. At the meeting, the attorney may be present with or without counsel. It shall be the burden of the attorney to prove by a preponderance of the evidence that he/she is not guilty of the violation stated in the termination notice. The attorney will be expected to respond to questions by the Board of Trustees; the failure to cooperate may be a factor in the Board's decision. A simple majority vote by Board members (assuming a quorum is present) shall determine whether the attorney will be reinstated. This decision shall be final without a right of appeal.

Revised: June 5, 2009