

The Florida Bar Lawyer Referral Service Rules

PREAMBLE

The Florida Bar recognizes that there exists a large group of persons of moderate means who believe that legal services are not readily available. In order to respond to the needs of those persons, it is the position of The Florida Bar that a lawyer referral service be established.

I. OBJECTIVES

The immediate objective of The Florida Bar in the establishment of the Lawyer Referral Service, hereinafter referred to as the "Service," is to assist the general public by providing a way in which any person who can afford to pay a reasonable fee for legal services may be referred to a member of The Florida Bar.

As long range objectives, The Florida Bar seeks to:

- A. Encourage lawyers to recognize the obligation to provide legal services to the general public;
- B. Acquaint people in need of legal services with the value of consultation with a lawyer;
- C. Acquaint lawyers with the fact that the needs of some clients suggest the use of a deferred payment plan.

II. COMMITTEE

A Lawyer Referral Service Committee will be charged with the operation of the Service. It will be composed of not less than six members nor more than twenty-one members appointed by The Florida Bar president. The term for each member shall be for not less than one year nor more than three years. Appointments shall be staggered so the composition of the committee shall be divided, insofar as is practical, into equal numbers of one, two and three-year members. A chair and vice chair will be selected by The Florida Bar president-elect.

III. THE SERVICE

The Service will be operated from The Florida Bar Center in Tallahassee, utilizing members of the staff and under the general supervision of the Lawyer Referral Service Committee. A person seeking a lawyer will use a toll-free line maintained at The Florida Bar to be interviewed by a staff member, and a referral will be made to a panel member of the Service on a rotating basis upon the agreement of such person to pay an initial fee of **\$25**, provided the initial consultation does not exceed one-half hour.

The Service shall not make referrals in any geographic area of the state where a local bar association lawyer referral service exists. In such cases, referrals will be made directly to the existing local bar association lawyer referral service.

IV. FORMATION OF THE PARTICIPANT-MEMBER PANEL

- A. Any Florida Bar member in good standing with no pending findings of probable cause by a grievance committee, who maintains an office in a county not served by any referral service sponsored by or affiliated with any local bar association, may qualify as a panel member.
- B. Application for membership will be grouped by county.
- C. In submitting an application for membership on the panel, any applicant shall be denied membership if, at the time of the initial application:
 - (a) the applicant has a grievance matter with a finding of probable cause pending with The Florida Bar or the Supreme

Court of Florida, or the applicant has received within the last five (5) years:

(i) Any disciplinary action by The Florida Bar or the Supreme Court of Florida; or

(ii) any judgment, conviction (whether or not adjudicated) or determination in a court or administrative proceeding, of the commission of any act of false statement, fraud, dishonesty, and/or misrepresentation; or

(b) the applicant has received within the past ten (10) years:

(i) any determination by The Florida Bar or the Supreme Court of Florida resulting in suspension.

(ii) revocation or disbarment of the applicant's license to practice law; or

(c) The applicant is currently serving probation through The Florida Bar or the Supreme Court of Florida. Such application shall not be accepted for consideration until the probationary period has been completed.

(2) Any applicant may be denied membership and any panel member may be withdrawn from the Service if the attorney has:

a. willfully failed to pay any fee, render any report, or otherwise abide by the rules of the Service;

b. signed any application or other certification or report to the Service which shall be found to be untrue in any material respect. Such action may be taken by the vote of a majority of all members of the committee, only after a hearing on reasonable notice and an opportunity to be heard, and subject to the right of appeal to the Board of Governors of The Florida Bar.

Notwithstanding the foregoing, if at any time, the committee receives notice or information giving it reasonable grounds to believe that a panel member does not meet the required standards of responsibility, capability, character, and integrity, it may suspend a panel member from participation on the Service for such reasonable time as may be necessary.

(3) Any panel member will be automatically suspended from any further referrals upon the finding of probable cause by The Florida Bar in a grievance matter. A suspended panel member may apply for readmission to the panel upon the conclusion of any grievance proceeding and may be readmitted at the committee's discretion.

D. A panel member, in filing an application as provided, agrees to:

(1) grant an initial half-hour office consultation for a fee of no more than **\$25** to any referred client on the Regular Panel.

(2) charge for further services only as agreed upon with the client in keeping with the stated objectives of the Service and the client's ability to pay;

(3) carry, and continue to carry, professional liability insurance with limits not less than \$100,000;

(4) permit any dispute concerning fees arising from a referral to be submitted to binding arbitration if the client so petitions;

(5) grant all clients referred by the Service an appointment as soon as practical after request is made;

(6) abide by all of the rules of the Service and indemnify and hold harmless The Florida Bar and any of its officers,

members or employees from any and 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 through the Service, or by applicant's failure to comply with any provision of the rules of the Service, or use of information contained in the application.

V. ANNUAL FEE FOR MEMBERSHIP

Each panel member of the Service will pay to The Florida Bar, a nonrefundable, nonprorated annual membership fee of **\$125** each calendar year (January-December) or any portion thereof. Annual dues renewals are due on the first business day of January of each year.

VI. REMITTANCE FEE STRUCTURE

Panel members of The Florida Bar Lawyer Referral Service agree to remit to The Florida Bar Lawyer Referral Service, **12%** of any attorneys' fees for services performed in connection with Regular Panel cases (Bankruptcy and Social Security cases are exempt). Remittance fees are **NOT** required for referrals on the Low Fee and Elderly Law Panels. The initial **\$25** half-hour office consultation fee goes directly to the attorney and should **NOT** be factored into the attorneys' fees or the remittance fee structure. The Florida Bar reserves the right to use whatever legal means that may be necessary to collect from a lawyer any unremitted fees due The Florida Bar Lawyer Referral Service and which resulted from that lawyer's service as a panel member.

VII. WITHDRAWAL FROM MEMBERSHIP

A panel member may at any time, withdraw from participation on the Service upon five days written notice to The Florida Bar, but shall not thereby be entitled to a refund of the membership fee and shall not be relieved of the duty to dispose of, in accordance with standard practices, any pending case or obligation incurred during membership.

VIII. OPERATION OF THE PANEL

- A. Referrals will be made to members of the panel in rotation in the geographic area requested by the caller.
- B. If the Service ascertains that a person being interviewed is presently represented by a lawyer, no referral will be made until a release is obtained from the client's lawyer.
- C. Panel members will accept referrals for an initial consultation, however, should any referral give rise to a conflict of interest, or the attorney is unable to handle the case, the panel member should refer the client back to The Florida Bar Lawyer Referral Service. Nothing herein will be construed to obligate a panel member to accept employment beyond the initial consultation.
- D. Florida Bar Lawyer Referral Service panel members are not permitted to refer cases to other attorneys, and by virtue of their acceptance of membership, they acknowledge and agree to abide by this rule. Panel members who engage another attorney(s) to participate in a case with them, shall, to the extent practicable, associate an attorney who is already a member of the Service or who, as part of his/her participation in the file, agrees to become a member and/or satisfies the requirements for same. Any association with another attorney shall only be done with the express written consent of the client and written acknowledgment by the client and the associating attorney of their understanding of the Service participation in the fees to be earned and the amount of same. In addition, the original panel member must notify the director of the Service with the name, address and phone number of the associating attorney and shall be provided with a copy of the written consent signed by the associating

attorney and the client which also acknowledges the fees to be paid to the Service. The original panel member, notwithstanding the fact that the associating attorney may also be a panel member, continues to be responsible for ensuring that the status of the case and the fees earned are reported and transmitted to the Service as required by the rules. The director is authorized to release the panel member of the responsibilities for reporting and remitting fees as to any referred matter upon a showing of good cause, in writing, as soon as same is practicable.

- E. If a Service member leaves a firm and leaves the Service cases with the firm after his/her departure, he/she will be responsible for ensuring that the status of all cases is reported to the Service and any fees due the Service are remitted in a timely manner. Former panel members will continue to receive the Outstanding Monthly Report on LRS online and it will be their responsibility to contact their former firm and ask them to report the status of the cases to the Service and remit any fees due the Service.
- F. A client will not be referred to an attorney outside the county where the client is located, unless the client either requests or agrees to such an arrangement.
- G. It is the responsibility of panel members to notify the Service if there is a period of time of one week or more in which the attorney will be unavailable for referrals because of vacations, trials or other reasons.

IX. ACKNOWLEDGMENT AND REPORT OF REFERRALS VIA THE FLORIDA BAR WEBSITE

Panel members can view and update the status of cases on The Florida Bar Lawyer Referral Service database, located on The Florida Bar website (www.floridabar.org). On the website homepage, scroll over "Directories" in the column to the left, then click on "Lawyer Referral Service." This allows access to The Florida Bar's Lawyer Referral Service homepage. Click on the Lawyer Referral Service database entitled "Panel Member Case Information" to view referral cases by using a Florida Bar attorney number and personal password. Panel members can update the status of cases and print out the remittance form to be mailed back to The Florida Bar Lawyer Referral Service with the fees owed. These fees should be remitted in a timely manner. Nothing herein will require any attorney to violate the attorney-client privilege.

X. CONTACTING PROSPECTIVE CLIENTS

Panel members should not call prospective clients referred to them unless the prospective client calls them first. Calling a referred prospective client prior to the prospective client calling the lawyer is a violation of Rule 4-7.4(a) of the Rules Regulating The Florida Bar. Panel members should not send referred prospective clients any written communication prior to the prospective client contacting the lawyer. Prospective clients are informed by the Service that no one will call them or send them anything before they contact the lawyer. A lawyer violating this rule may be subject to discipline.

XI. RECORDS AND REVIEW

The Service will keep on file, a record of all referrals and reports of panel members which will be subject to examination and inspection by the committee and officers of the Bar.

XII. PUBLICITY

The Service will be publicized in such manner, and to such extent, as will fulfill its objectives consistent with Florida Bar ethics and advertising rules.