

LAWYER REFERRAL SERVICE

of the Riverside County Bar Association

4129 Main Street, Suite 100 • Riverside, California 92501

Phone (951) 682-7520 • (760) 568-5555 • Fax (951) 682-0106

Email: lrs@riversidecountybar.com



Dear Panel Attorney:

Thank you for your interest in joining the Lawyer Referral Service of the Riverside County Bar Association. Enclosed you will find the following:

1. APPLICATION FOR MEMBERSHIP
Please fill out, sign, date and return with appropriate dues to our office. Attach a copy of your certificate of insurance coverage.
2. RULES GOVERNING THE SERVICE
Please read carefully before completing your application(s).
3. DISCIPLINARY STATUS DECLARATION FORM
Please fill out, sign, date and return with your application.
4. SUBJECT MATTER PANEL APPLICATION FORM
If you have selected any of the panels with an asterisk (*), please complete and return this form for each subject matter that you've chosen. Copy form as needed.
5. MINIMUM QUALIFICATIONS FOR SUBJECT MATTER PANELS
Please read carefully before completing Subject Matter Panel Application Form.
6. RULES AND REGULATIONS OF THE STATE BAR OF CALIFORNIA PERTAINING TO LAWYER REFERRAL SERVICES
Please review and keep for your files.

When your application is submitted and approved your name will be placed in the appropriate referral categories in our computer.

Once again, thank you for your interest in the LRS. If you have any questions, please do not hesitate to call (951) 682-1015 or from the Desert area (760) 568-5555.

Sincerely,

LAWYER REFERRAL SERVICE

:lcy
Enclosures

\application cover letter



LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100 ♦ Riverside, CA 92501
(951) 682-7520 ♦ (760) 568-5555 ♦ Fax (951) 682-0106

APPLICATION FOR MEMBERSHIP

Print Name _____

Firm Name _____

Office Address _____

Mailing Address (if different) _____

Phone _____ Fax _____ Email _____

Date admitted to California Bar _____ State Bar Number _____

I am a member of: ☐ Riverside County Bar Association ☐ Desert Bar Association

I speak the following languages _____

Courts that I practice in are _____

Check the fields of practice in which you wish to receive referrals. (Limited to six fields total).

- | | |
|---|--|
| <input type="checkbox"/> Administrative | <input type="checkbox"/> Labor Law* |
| <input type="checkbox"/> Auto Contract | <input type="checkbox"/> Landlord & Tenant* |
| <input type="checkbox"/> Bankruptcy Law* | <input type="checkbox"/> Military Law |
| <input type="checkbox"/> Business & Corporate* | <input type="checkbox"/> Other Torts & Negligent Acts* |
| <input type="checkbox"/> Civil Appellate | <input type="checkbox"/> Patents, Trademarks & Copyrights |
| <input type="checkbox"/> Conservatorship & Guardianship* | <input type="checkbox"/> Personal Injury* |
| <input type="checkbox"/> Consumer Contract | <input type="checkbox"/> Probate & Death Transfers* |
| <input type="checkbox"/> Criminal-Misdemeanor Adult* | <input type="checkbox"/> Prof. Malpractice (Dental/Legal/Medical)* |
| <input type="checkbox"/> Criminal-Felony Adult* | <input type="checkbox"/> Real Estate* |
| <input type="checkbox"/> Entertainment | <input type="checkbox"/> Social Security* |
| <input type="checkbox"/> Family Law* | <input type="checkbox"/> Taxation Law |
| <input type="checkbox"/> Family Law Subpanel: Limited Legal Service** | <input type="checkbox"/> Wills, Trusts & Estate Planning* |
| <input type="checkbox"/> Immigration & Naturalization | <input type="checkbox"/> Worker's Compensation* |
| <input type="checkbox"/> Juvenile Law* | |

Annual (July to June) panel dues of \$100.00 entitles you up to three fields. An additional three selections may be made at additional dues of \$30.00 each. Also, an additional Non-Member Assessment of \$200.00 will be added to any panelist who is not a member of the Riverside County Bar Association or Desert Bar Association. Panel dues and fees are non-refundable.

I understand that this application is made on my behalf, and not on behalf of a firm or any associates, or any other parties. If I am in a partnership which customarily provides joint legal services, other counsel in my partnership may be associated to perform a portion of professional services agreed upon provided that (a) the referred client agrees to such association, and (b) any counsel so associated is also a panel member of the Lawyer Referral Service, and (c) such associated counsel complies with the Rules Governing the Service in all respects, and (d) that the LRS is notified of the associate providing service to the referred client.

By submitting this membership application for approval to the LRS Committee and enrolling as a panel attorney, I hereby knowingly and voluntarily agree to submit any dispute concerning the LRS referral fee and percentage fee issues to binding arbitration, pursuant to California Code of Civil Procedure sections 1281 et seq., through the RCBA Dispute Resolution Service (DRS), subject to the DRS rules and cost.

I represent that I am covered by a policy of Errors and Omissions Insurance (Malpractice Insurance) with a minimum coverage of \$100,000/\$300,000. I understand that I will not receive any referral until proof of insurance coverage in the form of a Certificate of Insurance, issued by my carrier, is received by the LRS.

I have read and will abide by the Rules Governing the Service. I agree to be bound by the Rules of Professional Conduct governing attorneys and the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services and will abide by such Rules and all rules of the LRS which may be hereafter adopted.

I declare under penalty of perjury, under the laws of the State of California, that my statements on this application and any attachments are true and correct.

Signature _____

Date _____

* Minimum qualifications required (see attachment). **Please complete Subject Matter Panel Application Form.**

** Must be on main Family Law panel to qualify for this subpanel. No charge to be on this subpanel.

{**NOTE: Substantial Equivalent Experience** – If you do not have the stated requirements for panel membership but believe that you qualify by reason of substantial, equivalent experience, you may submit an outline of such experience on a separate sheet of paper and attach it to the Subject Matter Panel Application Form.}

LRS Use Only	
Amount Rec'd _____	Date _____
Approved by _____	

**Lawyer Referral Service
of the Riverside County Bar Association**

RULES GOVERNING THE SERVICE

Revised July 1, 2007

RULE 1. PURPOSE

- 1.1 The purpose of the Lawyer Referral Service (“Service”) is to assist the general public by providing a means whereby any person who can afford a reasonable fee for legal services and does not have an attorney, or does not know one, may be referred to a qualified member of the State Bar of California. For a modest referral fee, the panel attorney will advise and consult with the potential client for up to thirty (30) minutes. Any additional legal services will be based upon an agreement between the attorney and client.

RULE 2. THE SERVICE

- 2.1 The Service is established, sponsored and operated by the Riverside County Bar Association (“Association”).
- 2.2 The Executive Director of the Association shall supervise and hire employees necessary to carry out the functions of the Service.
- 2.3 The Service shall be supervised in its actual operation by the Lawyer Referral Service Committee of the Riverside County Bar Association.

RULE 3. THE LAWYER REFERRAL SERVICE COMMITTEE

- 3.1 The Lawyer Referral Service Committee (“Committee”) shall consist of nine members. Eight members, including the chairperson and a lay member, shall be appointed by the Association. The ninth member shall be the President-Elect of the Association, who shall serve as vice chairperson. At least 50% of the Committee shall be active members of the State Bar of California. Except for the vice chairperson, each member shall serve for a minimum of two years. There is no limit on the number of years any member may serve.
- 3.2 At least two (2) members of the Committee shall be active panel members, and at least 50% of the Committee shall not receive referrals from the Service.
- 3.3 The Committee shall be charged with the operation of the Service and shall make such rules for the conduct and operation of same, including membership on the panel, as may, from time to time, be deemed proper.

RULE 4. PARTIES AND AREA SERVED

- 4.1 The Service is available to all persons, firms and entities, regardless of geographic location of their places of residence or business.
- 4.2 The judicial area served include all legal matters filed in the local, state or federal courts within Riverside County.

RULE 5. ELIGIBILITY AND APPROVAL OF PANEL ATTORNEYS

- 5.1 Any member of the State Bar of California in good standing who regularly practices and maintains an office in Riverside County may apply for registration as a panel attorney by signing and forwarding an Application for Membership to the LRS office.

- 5.2 The Committee reserves the right to reject any application for registration on the panel of the Service, or to suspend or remove, at any time, the name of any panel attorney from the panel. The Committee shall notify each person whose application is rejected or whose name is removed from the panel. If dissatisfied with the action of the Committee, any person so affected by this provision shall have the right to appeal to the Board of Directors of the Association upon written application made to the Secretary of the Association within ten (10) days from the date of notification of the Committee action of which such person is complaining.
- 5.3 The General Panel is for subject matters currently with less than four attorney panel members as required by Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services. This panel includes all civil litigation matters related to problems involving areas of practice for which no subject matter panel has been established. An attorney is eligible for the General Panel if the following terms and conditions are met by him or her:
- (a) The attorney shall warrant that he or she is a member in good standing of the State Bar of California and is actively engaged in the practice of law and maintains an office in Riverside County;
 - (b) The attorney shall be given Rules Governing the Service prior to participation on the LRS panel. The attorney shall abide by all the rules of the Service. A signed Application for Membership form acknowledging agreement with the Rules shall be filed with the LRS office prior to active status;
 - (c) The attorney shall sign and forward to the Service the Disciplinary Status Declaration Form;
 - (d) The attorney shall pay all fees due and owing to the Service for referral services, registration, or other fees set forth by the Rules. Failure to pay such fees when due shall be grounds for suspension or termination of membership on the panel;
 - (e) The attorney shall warrant that he or she is protected by a professional liability insurance policy with minimum coverage of \$100,000.00/\$300,000.00. It is the responsibility of the insured attorney to request his or her carrier to supply the Lawyer Referral Service with a Certificate of Insurance and notice of any lapse in coverage. The attorney shall not receive any referral until proof of insurance is received by the Service nor during any period in which such insurance is not in force;
 - (f) The attorney shall warrant that he or she is in compliance with any continuing education requirement mandated by law.
 - (g) The attorney shall agree that:
 - (1) The information contained in his or her Application for Membership may be furnished to the applicants for legal service in the operation of the Service by the Association;
 - (2) Attorney shall receive referrals in areas designated by the Committee;
 - (3) He or she will in no event hold or claim to hold the Association, or the Service, or any officer, trustee, member or employee thereof to any liability whatsoever in connection with the operation of the Service or the use of information contained in his or her Application for Membership;
 - (4) The attorney will produce documents requested by the Committee for an evaluation examination and/or for an evaluation audit. The attorney will permit the Committee to communicate with applicants and/or clients referred to the attorney by the Service to determine whether services were provided, fees paid, and/or settlement received. The attorney will comply with the Procedures for an Evaluation Examination and/or Evaluation Audit (see Rule 11).

5.4 In addition to meeting the requirements of Rule 5.3 above, an attorney is also eligible to qualify for one or more of the Subject Matter Panels if the following terms and conditions are met by him or her:

- (a) By applying for placement on a subject matter panel, the attorney warrants to the Service that he or she possesses the learning and skill necessary to perform his or her duties arising from the representation of a client in litigation or other legal representation involving claims of the sorts listed under the description of that subject matter panel. Furthermore, the attorney warrants that he or she will engage in such continuing legal education as is reasonably necessary to maintain that learning and skill at a level which is equal to that ordinarily possessed by other attorneys handling the same types of claims within the relevant community;
- (b) Any attorney who is certified by the California Board of Legal Specialization as a specialist shall be qualified for membership on the subject matter panel for that field by virtue of his or her certification;
- (c) The attorney warrants that he or she has satisfied the Minimum Qualifications for Subject Matter Panels and that a Subject Matter Application Form is filed with the Service for each subject matter panel from which attorney requests referrals.

RULE 6. FEES

6.1 Each panel attorney shall pay, as a condition to the filing of an Application for Membership, panel dues or fees established by the Service, in such reasonable amounts as may be determined, and from time to time modified, by the Service. There shall be no refund of panel dues or fees.

6.2 Each panel attorney shall render professional service to each client referred to him or her by the Service upon the following basis:

- (a) An administrative fee of \$40.00 payable to the Service shall be paid by the client, except for referrals to Social Security, Worker's Compensation or Personal Injury. This fee covers in part the operational expenses of the Service and does not cover fees for legal services. The client is entitled to a consultation of up to thirty (30) minutes with the panel attorney. The panel attorney agrees not to charge the client for this first half-hour of consultation. This is provided as a public service. The fee as specified above is to cover consultation and advice only, and does not include the preparation of letters or any other legal services;
- (b) The Service may waive administrative fees on a limited basis only. If the client is a senior citizen and initiates the request for a fee reduction or waiver based upon limited financial resources, the \$40.00 fee can be waived;
- (c) In circumstances where the client is unable to pay at the LRS office prior to the consultation, the attorney agrees to collect and forward the \$40.00 administrative fee to the Service within ten (10) working days following the consultation.

6.3 Each panel attorney shall pay percentage fees to the Service. Fifteen percent (15%) of fees received from referred clients are due and payable fifteen (15) working days after receipt of the Service's quarterly reports.

- (a) If the percentage fee and/or administrative fee collection is more than sixty (60) days outstanding, the Committee shall reserve the right to enforce legal proceedings including but not limited to those remedies listed below to collect:
 - (1) Submit the matter to binding arbitration, pursuant to *California Code of Civil Procedures* sections 1281 et seq., through the RCBA Dispute Resolution Service ("DRS"), subject to DRS rules and cost.

- (2) When necessary, file a civil lawsuit in an action for collections, breach of contract and common counts, through the appropriate judicial district of the Riverside County Superior Court.

- 6.4 Compensation for further legal services shall be fixed by agreement with the client and in keeping with the spirit of the Service. In arriving at the amount of the legal fee, the attorney shall take into consideration the client's ability to pay, regardless of whether such fee is fully compensatory to the panel attorney.
- 6.5 If any dispute over legal fees should arise between the panel attorney and any client referred by the Service, and the client so requests, such dispute shall be submitted to the Fee Arbitration Committee of the Association for binding arbitration and final determination.

RULE 7. LIST OF PANEL ATTORNEYS AND ACCEPTANCE OF REFERRALS

- 7.1 The approved applications of panel attorneys shall be kept at the office of the Service. From such applications the Service will enter information into the computer as well as prepare index cards representing the panel attorneys for use in making referrals.
- 7.2 Each panel attorney shall designate the preferred category(s) of law, not to exceed six (6) categories. The Service shall endeavor to make referrals in accordance with the attorney's preference whenever possible. The attorney's designated preference may be amended at any time upon five (5) days written notice to the Service. The computer information will be used on a rotating basis with the index card file used as a backup.
- 7.3 A panel attorney shall not be permitted to limit acceptance of referrals based on the value of the property or the amount of the claim involved.
- 7.4 The panel attorney may not refer the client to another attorney if he or she chooses not to accept the case, but rather refer the client back to the Service for further assistance.

RULE 8. REFERRAL PROCEDURES

- 8.1 The Service shall establish rotational procedures to assure that each referral is made in a fair and impartial manner. To the extent feasible, such procedures shall be designed to respond to all circumstances of the client, including the type of the legal problem presented, geographic convenience and language needs.
- 8.2 No referral shall discriminate on the basis of race, sex, age, religion, national origin, sexual preference, or any handicap.
- 8.3 The Service's referral procedures shall be:
 - (a) The LRS Intake Counselor ("Counselor") shall explain to the client seeking assistance that the Service is established to provide up to a one-half hour consultation with an attorney at a modest fee of \$40.00;
 - (b) The Counselor shall attempt to ascertain the subject area of needed legal services from the client in office or by phone;
 - (c) The panel attorney whose name appears first in the computer for that particular area of practice, shall be contacted for an appointment. If, for any reason, an appointment cannot be made at a time satisfactory to the client, the Counselor shall call the next panel attorney in order, and so on, until an appointment is made.
 - (1) Upon confirmation of the appointment with the client, referral forms are printed, copies of which are directed to the client, the panel attorney and one copy remains in the LRS office. The forms are to be completed by the client and panel attorney and returned to the Service.

RULE 9. ACKNOWLEDGMENT AND REPORT OF REFERRALS

- 9.1 The panel attorney shall acknowledge the referral by completing and forwarding the “Attorney Confirmation Form” to the Service.
- (a) Following the initial interview with each client, the panel attorney will acknowledge the referral within ten (10) working days by returning the “Attorney Confirmation Form” to the Service. The form will indicate the status of the client’s case.
 - (b) Failure of a panel attorney to return this form may result in a three (3) month’s suspension by the Committee with loss of priority in the computer file effective at the end of suspension. Two such suspensions will be prima facie grounds for termination of the attorney from the Service.
- 9.2 At the end of each quarter, the Service shall issue a “Quarterly Report” to each panel attorney.
- (a) The “Quarterly Report” shall include information regarding the status of all matters referred to the attorney including fees, if any, received. The panel attorney will provide the information requested on the report and forward any referral fees due within fifteen (15) working days.
 - (b) Failure of a panel attorney to provide the “Quarterly Report” and/or fees may result in a three (3) months suspension by the Committee. Two such suspensions will be prima facie ground for termination of the attorney from the Service.

RULE 10. RECORDS

- 10.1 The Service shall maintain complete records of all acknowledgments and reports of panel attorneys, requests for referral services, and all other correspondence. The Service shall also maintain complete financial books and records. All books and records of the Service shall be subject to examination and inspection by members of the Committee and officers of the Association.

RULE 11. PROCEDURES FOR ATTORNEY EVALUATION EXAMINATIONS AND AUDITS

- 11.1 In an evaluation examination (“examination”), the attorney will deliver to the Service legible copies of documents evidencing the retention (or non-retention) of the services of the attorney, all costs, expenses and fees paid to the attorney and paid by attorney to others, and all monies and/or settlement funds received (if any) for examination by Committee member(s) or designee(s) of the Committee.
- 11.2 In an evaluation audit (“audit”), the attorney will produce the originals of documents evidencing the retention (or non-retention) of the services of the attorney, all costs, expenses and fees paid to the attorney and paid by attorney to others, and all monies and/or settlement funds received (if any) for examination by Committee member(s) and any other person(s) designated by the Committee for the proper evaluation of the documents produced. Ideally, the examination of documents will take place in the offices of the attorney. The attorney is expected to be present during the audit and also to produce during the audit those person(s) necessary for a proper evaluation of the documents examined.
- 11.3 An audit may be performed by the Committee on any attorney at any time and at the Committee’s sole discretion and may be independent of, or as a result of an examination, or because of a fee dispute with a client or with the Service or for other reasons which in the Committee’s opinion, constitute cause for audit. An attorney may be subject to multiple examinations and/or audits in any year period. If an attorney feels that the attorney has been subjected to an excessive number of examinations and/or audits, the attorney may inform in writing the Committee of the attorney’s concerns. The Committee will respond in writing within thirty (30) days of receipt of the attorney’s letter.

11.4 As to both examinations and audits, the Committee will give no less than thirty (30) days written notice of the documents which are to be produced by the attorney regarding identified applicants and/or clients.

- (a) If the attorney was not retained by the applicant(s) about which the Committee has requested documents, or if the attorney has no documents for any applicant(s) and/or client(s) identified in the Committee's notice, the attorney, no less than ten (10) days before the date of the production of the documents, will provide the Committee with a written verified statement identifying those applicant(s) identified in the Committee's notice who did not retain the services of the attorney and/or the identified applicant(s) and/or clients for which the attorney has no documents. It is the responsibility of attorney to keep documents of all retentions and non-retentions for twenty-four (24) months.
- (b) If the attorney contends that certain documents will not be produced because the documents contain privileged information, no less than ten (10) days before the date of the production of the documents, the attorney shall identify in writing the documents which the attorney intends not to produce, and briefly state the reason(s) why the attorney believe the documents to be privileged, similar to a "privilege log" regarding discovery in civil litigation.
- (c) If after identifying the documents, there remains a dispute between the attorney and the Committee as to whether the document(s) should be produced, the attorney will be required to seek a judicial determination of the validity of the attorney's refusal to produce the document(s). If the attorney fails to seek a judicial determination within ten (10) days the attorney waives any contest to producing the document(s). If it is determined that the attorney's refusal to produce the document(s) was without merit, the attorney will be required to reimburse the Service for any costs and reasonable attorneys' fees incurred by the Committee in the obtaining of that determination.
- (d) Attorney's refusal to produce any document(s), and/or the attorney's seeking a determination of the validity of the attorney's refusal to produce the document(s) will not delay the production of all other document(s) identified in the Committee's notice.
- (e) The unexcused failure of a attorney to produce any document(s) identified in the Committee's notice on the date noticed for the production of the document(s) will result in the immediate suspension of any further referrals by the Service to the attorney until the examination and/or audit is completed.
- (f) With the unexcused failure of a attorney to produce any documents in response to the Committee's notice, the Committee may take appropriate action to obtain an order directing the attorney to produce the identified documents. If it is determined the attorney's failure to produce the documents was without justification, the attorney will be required to reimburse the Service for any costs and reasonable attorneys' fees incurred by the Committee in obtaining the order and/or determination.
- (g) If the attorney is aware that the services of specially trained person(s), such as an accountant, tax consultant, appraiser, etc., will be required for the Committee to properly evaluate any document(s) produced by the attorney for an examination and/or audit, the attorney, no less than ten (10) days before the date for the production of the document(s), will inform the Committee in writing of that requirement, identifying the types of specially trained person(s) needed to properly evaluate the document(s) to be produced. The Committee will obtain the services of the identified specially trained person(s) without cost to the attorney.
 - (1) In an examination, the Committee may obtain the services of any appropriately or specially trained person(s) without notice to the attorney.
 - (2) In an audit, if the attorney fails to inform the Committee of the requirement for specially trained person(s) as set forth in Rule 11.4(g) above, and the audit cannot reasonably be completed and/or has to be continued to obtain services and review of the appropriately or specially trained person, the attorney will be required to reimburse the Service for the actual and reasonable fees and expenses of

the person(s) who attempted to conduct the initial audit. The Committee without notice to the attorney may obtain the services of the appropriately trained person(s) to complete the audit, and the attorney will be required to reimburse the Service for the actual and reasonable fees of all person(s) required to complete the audit additional to those that would have been incurred had attorney complied with Rule 11.4(g) above.

- 11.5 Any privileged information which is inadvertently disclosed in any document(s) produced for an examination and/or audit will not be disclosed by any person(s) conducting the examination and/or audit.
- 11.6 By producing copies of any document(s) for an examination, the attorney verifies that the copies produced are true and accurate copies of the original document(s).
- 11.7 If, during an examination, questions arise concerning any document(s) produced, the attorney will respond promptly in person, by phone and/or in writing to any inquiries from the Committee, as the Committee may direct in its sole discretion.

RULE 12. REFUSAL OF SERVICE

- 12.1 The Service reserves the right to decline to make its facilities available to any person, to the extent it may do so under the law.

RULE 13. WITHDRAWAL OF PANEL ATTORNEY

- 13.1 Any panel attorney may withdraw his or her registration from the Service upon five (5) days written notice to the Committee. Such withdrawal shall not affect any obligation on the part of the panel attorney to make reports or pay referral fees for matters or clients referred to the panel attorney prior to such withdrawal.

RULE 14. DISPUTES CONCERNING FEES

- 14.1 Should any disputes concerning fees arise between a panel attorney and a referred client, such disputes will be submitted to the Fee Arbitration Committee of the Riverside County Bar Association for mandatory binding arbitration in accordance with that Committee's rules.
- 14.2 In any fee dispute with a client in which part or all of the attorney's fees or settlement(s) are in any form other than cash, the attorney will provide a written explanation as to how the attorney values the non-cash fees and/or settlement(s). If a dispute still exists between the attorney and any client(s) as to the value of any non-cash item(s), an agreed upon appraiser will determine the value of the non-cash item(s). Unless stipulated by the attorney and the client(s), the person whose estimated value has the greatest variance with the value determined by the agreed upon appraiser will be required to pay for the services of the agreed upon appraiser. If parties cannot agree on an appraiser, then the Chair of the Fee Arbitration Committee will appoint an appraiser.
- 14.3 Office records and bank trust account statements of the panel attorneys relevant to referred clients shall be available at reasonable times for audit or other examination as deemed necessary by the Committee. Any audit or exam shall be made, consistent with attorney/client confidentiality.
- 14.4 The assessment of the Service of panel members' fees owed will be considered correct and the burden of proving inaccuracy will be the responsibility of the panel attorney.

RULE 15. SUSPENSION OR REMOVAL OF PANEL ATTORNEY

- 15.1 The Service shall solicit feedback from clients referred to panel attorneys, by the use of surveys and other methods approved by the Committee. This requested feedback shall include information about the quality of services provided by the panel attorney. The results of these surveys and client input shall be reviewed by the Committee on a periodic

basis. The Committee may, but is not required to, inform a panel attorney of any specific comments received from a client, and may request or consider any response made by the panel attorney.

- 15.2 At least once every two years, the Committee shall consider the quality of services being provided by each panel attorney. Such consideration shall be based on the client feedback described in Rule 15.1 above, together with such other information as the Committee deems relevant and reliable. All panel attorneys shall be deemed eligible for continued panel membership unless the Committee determines that the quality of services for any panel attorney appears to be deficient. Should the Committee determine that the quality of services by a panel attorney appears deficient, whether as a result of a periodic review or in response to one or more particular complaints, a Suspension/Termination Hearing will be held as set forth below.
- 15.3 Each panel attorney understands and agrees that he or she may be suspended or terminated from the Service under the following circumstances:
- (a) Failure to provide an appropriate quality level for services provided to referred clients, as determined by the Committee;
 - (b) Failure to return to the Service complete and accurate forms/reports within fifteen (15) working days;
 - (c) Failure to remit fees due to the Service within fifteen (15) working days of the receipt of LRS Quarterly Report form;
 - (d) Failure to comply with any rule, regulation, request or direction of the Committee.
- 15.4 At least ten (10) working days prior to the effective date of any suspension or termination, the Committee shall provide written notice to the panel attorney setting forth the reasons for suspension or termination. The panel attorney shall have the right to request a Suspension/Termination Hearing before the Committee. Such hearing must be requested in writing prior to the effective date of the suspension or termination. The panel attorney shall have the right to be heard in his or her defense. The hearing shall be scheduled as soon as is practical, and suspension or termination shall not be effective pending the outcome of the hearing. Conduct of the hearing, including all rules of procedure and evidence, shall be within the discretion of the Committee Chairman.
- 15.5 Notwithstanding Rule 15.4, *supra*, the Committee may summarily suspend referrals to a panel attorney pending suspension or termination upon notice that the panel attorney ceases to meet the minimum eligibility requirements set forth in Rule 5.3 (a) or the minimum insurance requirements set forth in Rule 5.3 (e).

RULE 16. INDEMNIFICATION

- 16.1 The panel attorney agrees to indemnify the Service and the Riverside County Bar Association against any loss to said Service or Association, and will pay the Service and/or Association reasonable charges for expenses incurred by said Service and/or Association as a result of the panel attorney's failure to comply with these Rules.

RULE 17. AMENDMENTS

- 17.1 The Committee will have authority to enact and implement changes to these RULES involving procedural, administrative and operational matters. Any change concerning fundamental policies of the Service may be presented in writing with comments and recommendations, to the Riverside County Bar Association Board of Directors for review and modification.

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LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, CA 92501

(951) 682-7520 ♦ (760) 568-5555 ♦ fax (951) 682-0106

Disciplinary Status Declaration Form

This declaration is submitted to enable the Lawyer Referral Service of the Riverside County Bar Association to comply with the provisions of the California Civil Code Section 43.95 as amended effective January 1, 1981.

Declarant information:

Name: _____

Firm: _____

Address: _____

Phone: _____

Declaration:

Have you ever been disciplined in this or in any other jurisdiction by a state or federal licensing agency when such disciplinary action became a matter of public record?

(Check One) ☐ YES ☐ NO

If you have been disciplined, by separate attachment fully disclose the nature of the disciplinary action taken, the name and location of the licensing agency involved, relevant date(s), and the ultimate disposition of the matter.

I agree to notify the Lawyer Referral Service of the Riverside County Bar Association of any disciplinary action taken against me while I am a panel member. I declare, under penalty of perjury, that the foregoing information, including any supplementary information is true and correct to the best of my knowledge.

Signature: _____ Date: _____

This form must be submitted with the Application for Membership.

LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, CA 92501
(951) 682-7520 ♦ (760) 568-5555 ♦ fax (951) 682-0106

Subject Matter Panel Application Form

Print name _____

Panel for which you are applying _____
(Please see attachment, Minimum Qualifications for Subject Matter Panels.) **A separate form must be filled out for each subject matter panel.** Copy this form as needed.

A. An applicant who is currently certified by the California Board of Legal Specialization as a specialist will automatically meet the experience requirements. Please list below the field in which you are certified as a Specialist:

-OR-

B. Please list below how you satisfy the minimum qualifications for this subject matter panel:

1.	Court Name	Case No.(List only if public record)	Title of Case	Representing	Type of Case
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_____	_____	_____	_____	_____	_____
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2. OTHER (if no case work): _____

(attach additional sheet as necessary)

I understand that the information contained herein is subject to verification and I agree to cooperate with the Lawyer Referral Service Committee and its designees in the process of evaluating my qualifications. I hereby certify, under penalty of perjury, that the information provided herein is true and correct.

Signature: _____ Date: _____

This form must be submitted with the Application for Membership.

LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, CA 92501
(951) 682-7520 ♦ (760) 568-5555 ♦ fax (951) 682-0106

Minimum Qualifications for Subject Matter Panels

Effective April 1, 1999

BANKRUPTCY LAW

Includes all matters related to bankruptcy questions, debtor, wage levies, and repossessions.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Bankruptcy Law Specialist is automatically qualified; or
- B. Applicant certifies experience as indicated below for the types of bankruptcy he/she qualifies for:
 - 1. Have filed and taken through discharge at least two Chapter 7 or Chapter 13 "wage earner" plans, or any combination thereof.
 - 2. Have represented at least one debtor in a Chapter 11 reorganization from filing to confirmation of plan, and have represented at least one creditor in a Chapter 11 reorganization from assertion of his/her claim to completion.

BUSINESS & CORPORATE

Includes all matters related to the formation, financing and dissolution of business, charitable and fraternal entities and associations, including incorporation, partnership agreements and joint ventures.

Qualifications: Applicant must have completed all legal work, including the preparation or supervising the preparation of all legal documents, in not less than two client matters.

CONSERVATORSHIP & GUARDIANSHIP

Includes all matters related to guardianship, conservatorship, or mental health cases.

Qualifications: Applicant must have acted as or represented a guardian or conservator in at least one guardianship, conservatorship, or mental health case within the last two years.

CRIMINAL LAW - MISDEMEANOR/ADULT

Includes all matters related to violation of criminal statutes or ordinances by any governmental entity.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Criminal Law Specialist is automatically qualified; or
- B. Have been in practice for at least one year during which time 50% of the practice has been devoted to criminal law.

CRIMINAL LAW - FELONY/ADULT

Includes all matters related to violation of criminal statutes or ordinances by any state, local or federal governmental entity.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Criminal Law Specialist is automatically qualified; or
- B. Applicant have completed the above requirements for the state misdemeanors **and** have handled no fewer than three criminal matters, including (a) one felony trial (jury or court) to judgement and (b) three criminal pretrial motions involving either the submission of written points and authorities before the hearing or hearing at which witnesses were sworn and testimony taken.

FAMILY LAW

Includes all matters related to advice and handling of proceedings involving annulment or dissolution of marriage, legal separation, support enforcement, child custody and visitation, change of name, preparation of pre-nuptial and marital agreements, and related family law transactions and proceedings.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Family Law Specialist is automatically qualified; or
- B. Applicant must have completed two marital dissolutions from filing of petition through final judgment, one of which must include Order to Show Cause hearings and child custody and visitation issues.

JUVENILE LAW

Includes all matters related to proceedings in Juvenile Court, regardless of the nature, including criminal, delinquent and dependent child cases.

Qualifications: Applicant must have handled at least three contested hearings through disposition within the last two years.

LABOR LAW

Includes all matters having to do with employment discrimination, wrongful termination, and all other labor law matters.

Qualifications: Applicant must have handled at least two employment actions through settlement or trial, including discrimination and/or termination, within the last five years.

LANDLORD & TENANT

Includes all matters related to renting or leasing buildings, rooms or land, including rent collection, tenant's rights, unlawful detainer actions and leases.

Qualifications: Applicant must have handled three or more landlord/tenant matters including at least one contested unlawful detainer trial.

OTHER TORTS & NEGLIGENCE ACTS

Includes all matters related to property damage, wrongful death or substantial personal injury cases, products liability, insurance bad faith, intentional tort and defamation cases.

Qualifications: Applicant must have tried at least one personal injury case to jury verdict, or any combination of two judicial arbitrations or court trials to judgment, **and** have documented experience in at least one additional substantial personal injury from a specialty area, i.e. products liability, wrongful death, insurance bad faith, aviation accidents and admiralty personal injuries.

PERSONAL INJURY

Includes all matters relating to traffic accident injuries and general personal injury claims against persons or entities.

Qualifications: Applicant must have tried at least one personal injury case to jury verdict, or any combination of two judicial arbitrations or court trials to judgment.

PROBATE & DEATH TRANSFERS

Includes all matters relating to decedent's estate administration, joint tenancy terminations, transfer of assets and other probate code proceedings.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Probate Law Specialist is automatically qualified; or
- B. Applicant must have handled at least two different matters of the following: contest of will, petition to determine heirship, petition for instructions, a trust termination, a joint tenancy termination, preparation and filing of IRS Form 706, petition for family's allowance, and petition for return or sale of property.

PROFESSIONAL MALPRACTICE

Includes all matters relating to tort claims against persons or entities involved in medical care and dental care of a client, or legal services performed or supervised by an attorney.

Qualifications: Have handled at least one case to verdict or court decision. (Specify on panel application the types of cases you handle - dental, legal and/or medical malpractice.)

REAL ESTATE

Includes all matters related to advice and preparation of sales agreement and other sales, escrow and financing documents, and advice and preparation of leases, options, and related realty transactions including boundary disputes.

Qualifications: Have either prepared escrow instructions or supervised the opening administration and closing of an escrow, or have performed services in at least one of the following: (a) negotiation of or litigation concerning a lease of real property (other than unlawful detainer) or (b) preparation of a note and deed of trust or other security interests.

SOCIAL SECURITY

Includes all matters related to social security appeals.

Qualifications: Have handled at least one social security appeal through final resolution or must have completed a substantial amount of work or be attorney of record for one of the following: MediCare/Medi-Cal, SSA or SSI.

WILLS, TRUSTS & ESTATE PLANNING

Includes all matters related to wills, trusts, gifts, estate tax and estate tax planning.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as an Estate Planning Specialist is automatically qualified; or
- B. Applicant must have drafted and supervised the execution of at least two wills, including one will which incorporates a testamentary trust or intervivos trust and supervised the funding thereof.

WORKER'S COMPENSATION

Includes all matters relating to representation of parties in connection with industrial injuries from on-the-job accidents and disease claims.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Workers Compensation Law Specialist is automatically qualified; or
- B. Applicant must have handled at least two workers compensation cases from application through the findings and awards, and must have handled at least two matters on reconsideration before the WCAB.

GENERAL PANEL

(This panel is for subject matters currently with less than four attorney panel members as required by Minimum Standards for a Lawyer Referral Service in California.) Includes all civil litigation matters related to problems involving areas of practice for which no subject matter panel has been established.

Qualifications: Applicant certifies to the LRS Committee that for each of the areas of practice indicated on this application, applicant (a) possesses substantial and meaningful experience in each subject area, (b) is qualified and competent to represent clients in this area of practice, (c) is thoroughly familiar with the substantive and procedural laws and court rules in each area of practice, and (d) has and will continue to engage in continuing education and/or study to maintain and enhance his/her proficiency in such subject area.

* * * * *

Rules and Regulations of the State Bar of California

Pertaining to Lawyer Referral Services

(Including Minimum Standards for a Lawyer Referral Service in California)

(Adopted by the Board of Governors June 18, 1988, and approved by Supreme Court Order, October 26, 1989, and as amended, effective April 1, 1994, pursuant to Business and Professions Code section 6155. Amended by the Board of Governors on October 28, 1995, and November 23, 1996; approved by the Supreme Court, operative January 1, 1997.)

Rule 1. Purpose of Rules

1.1 The purpose of these Rules and Regulations Including Minimum Standards ("Rules") is to establish minimum standards for the operation of Lawyer Referral Services and facilitate the enforcement of Business & Professions Code §6155 pertaining to Lawyer Referral Services.

Rule 2. Citation of Rules

2.1 These Rules shall be cited and referred to as the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services Including Minimum Standards for Lawyer Referral Services in California ("Rules"). With the approval of the Supreme Court, these Rules are subject to amendment, repeal or other action by the Board of Governors of the State Bar of California.

Rule 3. Policy of the State Bar Regarding Lawyer Referral Services

3.1 It is the policy of the State Bar of California that every community be served by one or more certified Lawyer Referral Service. Where the size of the community or the number of lawyers serving it make the establishment of a separate Lawyer Referral Service impractical, the State Bar encourages the establishment of a regional Lawyer Referral Service embracing two or more such communities, subject to Rule 8.2 which requires separate certification for each county in which a Lawyer Referral Service operates.

3.2 It is also the policy of the State Bar of California that activities in violation of these Rules, the Business & Professions Code, or other authorities pertaining to Lawyer Referral Services, be curtailed.

Rule 4. Definition of a Lawyer Referral Service

4.1 "Lawyer Referral Service" means an individual, partnership, corporation, association, or any other entity, or a service or agency of an entity, which operates for the direct or indirect purpose of referring potential clients to lawyers, whether or not the term "referral service" is used. This definition shall not apply to those entities or persons exempted by Business & Professions Code §6155, subdivision (c) or (h).

4.2 "Entity" means an individual, partnership, corporation, association or any other form of organization.

4.3 A Lawyer Referral Service shall be comprised of these separate parts:

- (a) A staff which processes the requests for legal assistance;
- (b) A panel of lawyers who provide legal assistance; and
- (c) A committee or governing body as defined in Rule 10.1.

Rule 5. Purposes of a Lawyer Referral Service

5.1 The purposes of a Lawyer Referral Service shall be:

- (a) to provide a way in which any person may be referred to a qualified, insured lawyer who is able to render and is interested in rendering needed legal services;
- (b) to provide information about lawyers and the availability of legal services which will aid the public in their selection of a lawyer;
- (c) to inform the public when and where to seek legal and dispute resolution services;
- (d) to provide general, legal and dispute resolution information needed by the public;

- (e) to improve the quality of legal services available to the public; and
- (f) to provide access to affordable legal services to the public.

Rule 6. Application for Certification to Operate a Lawyer Referral Service

6.1 Application for certification or recertification as a Lawyer Referral Service shall be made on a form supplied by the State Bar which from time to time may be amended by the State Bar. Certification shall be granted only upon a showing that the Lawyer Referral Service has complied with each of these Rules, Business & Professions Code §6155 and other relevant authorities.

6.2 All applications, reports and other documents required to be filed with the State Bar by Lawyer Referral Services shall be signed and verified by the owner or duly authorized agent of the Lawyer Referral Service and filed at the State Bar's Lawyer Referral Services Certification Program in San Francisco, California.

6.3 Applications for first time certification may be filed at any time during the year. Applications for recertification must be submitted in conjunction with the filing of the annual report to the State Bar pursuant to Rule 15.2.

6.4 For the purpose of determining whether an application is timely, the application shall be deemed submitted when actually delivered to the State Bar's Lawyer Referral Services Certification Program in San Francisco or when deposited in the United States mail, first class postage prepaid, addressed to the Lawyer Referral Services Certification Program, State Bar of California in San Francisco.

6.5 The Chief Executive Officer of the State Bar or a person or persons designated by the Chief Executive Officer shall review each application and within a reasonable time thereafter approve or deny the application and notify the applicant of the reasons therefore, or seek additional information regarding an incomplete or insufficient application. If the application is determined to be complete and in compliance with these Rules and other applicable authorities, a certificate of compliance shall be issued. This review may include an investigation and administrative audit as provided in Rule 16.

6.6 The applicant shall be notified in writing if an application is incomplete or deficient. If an applicant fails to complete the application or correct any deficiency within sixty (60) days of written notification, the application shall be deemed withdrawn without a refund of the fee except as provided in Rule 9.

Rule 7. Denial of Application for Certification to Operate a Lawyer Referral Service

7.1 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, may deny an application for certification or recertification for failure to submit a complete and sufficient application, for failure to demonstrate full compliance with these Rules and other applicable authorities, or for other good cause. Cause for denial of certification or recertification shall include but not be limited to:

- (a) Noncompliance with any provision of the statutes, these Rules or other authorities governing Lawyer Referral Services;
- (b) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers;
- (c) Direct or indirect consideration regarding referrals between an owner, operator or member of a Lawyer Referral Service and any licensed or unlicensed health care provider; or
- (d) Advertising or soliciting on behalf of attorneys in violation of the Rules of Professional Conduct.

7.2 Written notice of the denial of the application and of the reason(s) for the denial shall be served by mail upon the applicants. Notice shall also be given to the panel attorneys listed in the application.

7.3 An applicant may request review of the denial of its application within thirty (30) days of the date of the notice of denial. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the applicant. The request shall be considered by a subcommittee appointed by the Board of Governors or another committee appointed for this purpose by the Board of Governors. The subcommittee shall provide the Lawyer Referral Service with an opportunity to be heard consistent with due process requirements.

7.4 Upon the completion of such consideration, the subcommittee shall 1) certify the Lawyer Referral Service with or without conditions as the subcommittee determines appropriate; 2) request further information or amendment to the application; or 3) decline to certify the Lawyer Referral Service.

7.5 The subcommittee shall report in writing its findings, determinations and reasons for its determinations. A copy of that report shall be served by mail upon the applicant.

7.6 An applicant may request review of the action of the subcommittee within thirty (30) days of service of the report of the subcommittee. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Applicant. The request shall be considered by the Board Committee on Legal Services or another committee appointed by the Board of Governors for this purpose. The Board Committee shall review the determinations of the subcommittee. It may hold hearings as it deems appropriate.

7.7 The Board Committee shall record in writing its findings and determinations and make such additional comments as it deems appropriate. Notice of such action shall be served by mail upon the applicant.

7.8 Any further review of the issues shall be in accordance with rule 952(d), California Rules of Court.

Rule 8. Certification

8.1 Certification shall be for no more than two years from the date issued or for such shorter periods of time as may be determined by the State Bar. Certification shall be renewed every two years or for such shorter periods of time as may be determined by the State Bar, by the filing of a recertification application.

8.2 If a Lawyer Referral Service operates in more than one county, it shall apply for separate certification for each county in which the Lawyer Referral Service operates and fulfill these Rules for each county. For the purpose of this Rule, a Lawyer Referral Service "operates" in a county if it makes referrals to attorneys in that county.

A Lawyer Referral Service will not be required to establish a separate office in each county in which it operates. For the purposes of this Rule, District 1 will be considered as if it were one county. State Bar District 1 counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba.

This requirement may be waived if the Lawyer Referral Service presents written evidence to the State Bar that good cause exists for not fulfilling all these Rules for each county in which it operates.

8.3 If an application for recertification is timely completed and filed, the existing certification shall continue in effect until recertification is issued or denied, or until the existing certification is suspended or revoked pursuant to Rule 19.

8.4 If certification is not renewed or is revoked pursuant to Rule 19, it shall expire and terminate. All activities subject to certification must cease upon the expiration of certification, non-renewal of certification or upon notice of revocation of certification, unless certification is extended pursuant to Rule 8.3.

8.5 Denial of an application for first time certification shall not prohibit the filing of a new application. Upon reapplication, the applicant must demonstrate full compliance with all requirements for certification. The fee for reapplication shall be the same as for application.

8.6 Upon the expiration or revocation of certification or following denial of an application for recertification, an applicant may re-apply for certification but must do so in accordance with the Rules pertaining to first time certification.

Rule 9. Fees

9.1 An applicant for certification or recertification shall pay, as a condition to the filing of an application, fees established by the Board of Governors, in such reasonable amounts as may be determined, and from time to time modified, by the Board of Governors.

9.2 Such fees shall be determined, in whole or in part, by a consideration of any combination of the following factors: a Lawyer Referral Service's gross annual revenues, number of panels, number of panel members, amount of fees charged to panel members, or for-profit or non-profit status; provided that such application or recertification fees not exceed ten thousand dollars (\$10,000) or one percent (1%) of the applicant's gross annual revenues generated by lawyer referral activity, whichever is less.

9.3 Certification and recertification fees not paid within thirty (30) days after due shall be delinquent and shall be subject to late charges in such reasonable amounts as may be determined, and from time to time modified, by the Board of Governors.

9.4 Written notice of delinquent fees shall state: the amount of the unpaid fee; the amount of any late charges; that failure to pay all fees due including late charges may result in suspension or revocation of certification; and that a certified Lawyer Referral Service may voluntarily relinquish certification in lieu of suspension or revocation.

9.5 Certification may be revoked due to failure to pay fees after written notice of delinquency.

9.6 If an application is withdrawn in writing within twenty (20) days after submission, fifty percent (50%) of the application fee shall be refunded. There shall be no refund of fees after that period of time.

9.7 An applicant may request in writing a waiver or reduction of fees based on financial necessity. The State Bar shall approve or deny the request for waiver or reduction of fees based on a consideration of, among other factors, the Lawyer Referral Service's gross annual revenues, panel size, geographic area served, and length of time in operation.

Rule 10. Ownership and Supervision

10.1 The Lawyer Referral Service shall be supervised in its establishment and operation by a Governing Committee ("Committee") consisting of a minimum of three (3) members, having authority to make decisions necessary to operate the Lawyer Referral Service. At least 50% of the Committee shall be active members of the State Bar of California, and at least 50% of the Committee shall not receive referrals from the Lawyer Referral Service.

10.2 The Committee shall meet at least quarterly and shall review the annual report submitted by the Lawyer Referral Service pursuant to Rule 15.2.

10.3 The Committee shall also conduct and annually review the results of a random sampling of at least 10% of the clients referred to attorneys as to the client's satisfaction with the attorney's handling of the case and whether the client felt the fee charged was reasonable. Based on its review, the Committee shall make such alterations to the operation of the Lawyer Referral Service as it deems necessary.

10.4 A Lawyer Referral Service shall not be owned or operated, directly or indirectly, wholly or in part, by those lawyers to whom, individually or collectively, more than 20 percent of referrals are made. For purposes of this subdivision, a Lawyer Referral Service that is owned or operated by a bar association shall be deemed to be owned or operated by its Governing Committee so long as the Governing Committee is constituted and functions in the manner described by these Rules.

10.5 A Lawyer Referral Service shall establish and provide, to each client referred to an attorney, an address and telephone number in his or her county to which complaints about the Lawyer Referral Service or its attorneys may be directed, and shall inform clients that any unresolved complaints should be addressed to the State Bar of California.

Rule 11. Eligibility and Approval of Panel Attorneys

11.1 (a) Membership on any panel operated by the Lawyer Referral Service shall be open to all active members of the State Bar of California practicing in the geographical area served who are qualified by virtue of suitable experience in conformity with Rule 12.2. Attorney registration and membership fees shall be limited to reasonable amounts and shall encourage widespread attorney membership. Those Lawyer Referral Services with total registration and panel membership fees in excess of \$1,000 per month will be required to demonstrate that fees are reasonable and encourage widespread attorney membership. The factors which may be considered in evaluating the reasonableness of membership fees include, but are not limited to, the following:

(1) the number of attorneys in the geographic service area as well as the number of attorneys applying to be members of the Lawyer Referral Service who are accepted and who are rejected;

(2) the cost of advertising, operations and member services;

(3) the panel membership fees of other certified Lawyer Referral Services operating in the same area;

(4) the number of attorneys who are members of the Lawyer Referral Service and the number of clients served by members of the Lawyer Referral Service;

(5) the nature and extent of programs for persons of limited means pursuant to Rule 12.5 undertaken by the Lawyer Referral Service.

(b) Membership on a panel may not be made contingent upon membership in a sponsoring entity; however, a separate, nominal administrative charge may be made to non-members of the sponsoring entity to reimburse the entity for its administrative services.

(c) Any arrangement, promise, agreement or understanding for or purchase by an attorney of more than one contract with the same Lawyer Referral Service or for the same subject matter panel of that Lawyer Referral Service is grounds for denial of certification or recertification or for decertification.

(d) Panel membership fees shall not be set with any representation, promise, agreement, understanding or guarantee to attorneys of a minimum number of contacts, calls, cases, referrals or clients or any arrangement or practice by a Lawyer Referral Service which directly or indirectly produces a guaranteed number of contacts, calls, cases, referrals or clients, including but not limited to: compensation for rejected referrals; free or reduced-fee extension of the attorney's contract with the Lawyer Referral Service; representation of referrals based upon past averages or formulas. Lawyer Referral Services may disclose actual past performance when the information is accurate, complete and not misleading.

11.2 Each attorney member of a Lawyer Referral Service panel shall agree in writing to abide by all rules and regulations of the Lawyer Referral Service including the requirement that each panel member submit any fee dispute arising between such member and a client referred by the Lawyer Referral Service, if the client so elects, to binding arbitration by a Fee Arbitration Committee of a bar association or other established Fee Arbitration Committee established pursuant to Business & Professions Code §§6200 et seq., or by means otherwise acceptable to the State Bar.

11.3 Each Lawyer Referral Service shall require each panel member to possess a policy of errors and omissions insurance in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year. Proof of insurance shall be provided to the State Bar upon request.

11.4 The Governing Committee or its designee shall establish a method of review for continued panel membership. Such review shall be conducted at least once every two years and shall evaluate the quality of services provided by member attorneys.

11.5 Each Lawyer Referral Service shall establish a uniform procedure to review refusals to admit an attorney to, and decisions to suspend or remove an attorney from, membership on any panel. In every case where a Lawyer Referral Service refuses to admit an attorney to a panel or suspends or expels an attorney from a panel, the Lawyer Referral Service must give the attorney a written statement of the reasons for its decision and offer the attorney a meaningful opportunity to be heard.

11.6 Each Lawyer Referral Service shall provide every panel member with a copy of these Rules.

Rule 12. Organization of Panels

12.1 Each Lawyer Referral Service shall establish such number and variety of panels as it determines will best enable the Lawyer Referral Service to make referrals that are responsive to individual client needs, pursuant to Rule 5.1.

12.2 Each Lawyer Referral Service shall establish one or more specific subject matter panels, and is encouraged to establish moderate and no fee panels, foreign language panels, alternative dispute resolution panels, and other special panels which respond to the referral needs of the consumer public, eligibility for which shall be determined on the basis of experience and other substantial objectively determinable criteria. Any attorney who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification. A Lawyer Referral Service may maintain a general panel.

12.3 For each subject matter panel, the Committee shall establish and file with the State Bar standards and procedures for:

- (a) determining the qualifications for membership on the subject matter panel;
- (b) reviewing the qualifications of a member to remain on or to be removed from the subject matter panel; and
- (c) appealing decisions to suspend or remove a member from the subject matter panel, pursuant to Rule 11.5.

12.4 Each subject matter panel established must have a minimum of four (4) attorney panel members. This requirement may be waived if the Lawyer Referral Service presents written evidence to the State Bar of California that good cause exists to have fewer than four (4) attorney members.

12.5 In an attempt to increase access to the justice system for all Californians, the Lawyer Referral Service shall establish separate ongoing activities or arrangements that serve persons of limited means, unless it can demonstrate that it is unreasonable and impractical to do so. These activities or arrangements may include, but are not limited to programs that: provide free legal services to indigents; provide legal services at a reduced fee; and provide free legal advice and clearing house referral services to the public; or other cooperative efforts with existing pro bono programs.

To determine whether it is unreasonable and impractical for a Lawyer Referral Service to comply with this section, the following factors, among others, may be considered:

The financial resources of the Lawyer Referral Service, size of staff, total number of panel attorneys, the specialty areas of attorney members of the Lawyer Referral Service, the fees charged by the attorney members to clients of the Lawyer Referral Service, and the needs of the community, including the existence and accessibility of other local pro bono or legal services programs able to meet these needs.

12.6 There must be a minimum of twenty (20) attorney members to whom referrals can be made, and at least ten (10) attorney panel members must be from separate and independent law firms. This requirement may be waived or modified if the Lawyer Referral Service presents written evidence to the State Bar that good cause exists based on the local population, the attorney population or the geographic area to be served.

Rule 13. Referral Procedures

13.1 The Governing Committee shall establish rotational procedures to assure that each referral is made in a fair and impartial manner. To the extent feasible, such procedures shall be designed to respond to all circumstances of the client, including the type of the legal problem presented, geographic convenience and language needs.

The Lawyer Referral Service shall not operate so that all referrals from a specific geographical area are made to a single lawyer or law firm.

Failure to rotate sequentially all referrals to lawyers on the panel and/or failure to keep and maintain complete, current and continuous records of all referrals made to attorneys are grounds for denial of certification or recertification or for decertification.

13.2 No referral shall discriminate on the basis of race, color, sex, age, religious creed, national origin, ancestry, sexual orientation, disability, medical condition, marital status, political affiliation or veteran status.

13.3 No referral shall be made which violates any provision of the State Bar Act or Rules of Professional Conduct, including, but not limited to, restrictions against unlawful solicitation and false and misleading advertising.

13.4 The staff persons making the referrals and processing the requests for legal assistance may not be employees of any attorney to whom referrals are made.

13.5 A Lawyer Referral Service shall not be principally operated by a telephone answering service or device.

Rule 14. Publicity

14.1 Any publicity program or advertising developed, maintained or utilized by a Service shall promote the purposes of a Lawyer Referral Services as set forth in Rule 5. A copy of all materials used in publicity programs, advertising or other disseminations to the public shall be filed with the State Bar with any application for certification or recertification, and with the Lawyer Referral Service's annual report upon request of the State Bar.

14.2 The form and content of all publicity of the Lawyer Referral Service shall not be false or misleading and shall comply with the standards for such publicity defined in the Rules of Professional Conduct and Business & Professions Code. For the purpose of public information and evaluation of the Service and its advertising, all advertising shall include the identity of the sponsor(s), the fact that it is a Lawyer Referral Service, the counties in which it operates and the State Bar Certification number of the Lawyer Referral Service.

Rule 15. Records and Reports

15.1 Each Lawyer Referral Service shall maintain and provide to the State Bar, upon request, current records of its operation including at least the following information:

- (a) the name, address and pertinent qualifications of each panel member and the number and types of matters referred to each panel member;
- (b) the name, address and type of matter presented by each client referred, the name of the panel member to whom the referral was made, and the date the referral was made;
- (c) the total fees the Lawyer Referral Service requires of its panel attorneys, including but not limited to: registration fees to join the Lawyer Referral Service; fees paid to belong to each panel an attorney elects to join; referral or consultation fees remitted back to the Lawyer Referral Service; forwarding fees; advertising fees or other miscellaneous fees paid by the panel attorney to the Service.

15.2 The Committee of each Lawyer Referral Service shall file with the State Bar an annual report on the activities of the Service and of the Committee. Such report shall include at least the following:

(a) statistics derived from the operating records required by Rule 15.1 and what, if any, alterations have been made in the conduct of the Service by the Committee pursuant to Rule 10.3;

(b) a detailed accounting of all sources and amounts of income to the Service, all expenses related to the operations and promotion of the Lawyer Referral Service, the amount of current reserves held by the Lawyer Referral Service, and the specific disposition over the past two years of any reserves and/or surpluses derived from the Lawyer Referral Service; and

(c) the number of cases sampled pursuant to Rule 10.3, together with the results of the random sampling.

15.3 Failure to file the annual report by the recertification due date without a showing of good cause to the State Bar shall result in the immediate withdrawal of certification to operate a Lawyer Referral Service.

15.4 All documents, records, communications, and other materials from or pertaining to a Lawyer Referral Service, including its application for certification, shall become the property of the State Bar and shall be held in confidence and not released except upon prior order of the Board of Governors or by consent of the applicant.

Rule 16. Investigative Audits

16.1 Prior to certification or recertification and/or waiving the application or renewal fee under Rule 9.7, the State Bar of California shall review and conduct an investigation and administrative audit of each Service, as the State Bar deems appropriate and as resources allow, to determine and assure compliance with these Rules.

16.2 The State Bar shall have the right at any time to conduct an audit or investigation of any Service. Any audit or investigation under Rule 16 shall be at the Service's expense. The Service and its sponsoring entity shall have the obligation to cooperate fully therewith.

Rule 17. Fees Charged by a Lawyer Referral Service

17.1 A Lawyer Referral Service may require that:

(a) Each panel member pay to the Lawyer Referral Service a registration fee, "referral" or "percentage" fee (computed on a percentage basis or otherwise), or other like participating fee, or any two or more of such fees, as a condition of panel memberships, provided that such membership fees are reasonable and do not discourage widespread attorney membership;

(b) Each panel member pay the Lawyer Referral Service a referral, initial consultation or similar fee, or any two or more of such fees, as a condition of referral; provided, however, that no Lawyer Referral Service may require any fee that is, or any combination of fees that are, either in conflict with statutory or other legal provisions for the award of attorney fees or unreasonable, whether those fees be required of applicants, panel members or both. A Lawyer Referral Service is prohibited from charging a combination of fees which increases the client's cost for legal services beyond that which he or she would normally pay, or decreases the quantity or quality of services which he or she would otherwise receive, absent involvement of the Lawyer Referral Service.

17.2 The income generated by a non-profit Lawyer Referral Service shall be used only to pay reasonable operating expenses of the Service and/or to fund programmatic public service activities of the Service or its sponsoring entity, including the delivery of pro bono legal services.

Rule 18. Complaints

18.1 Complaints regarding Lawyer Referral Service activity must be in writing and submitted to the State Bar's Lawyer Referral Services Certification Program at the State Bar's San Francisco address. Complaints must provide sufficient factual information for the State Bar to determine if the complaint establishes a violation of these Rules or other applicable authorities.

18.2 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, shall review all complaints and within a reasonable time thereafter determine what action, if any, is appropriate. The complainant shall be entitled to notice of what action, if any, is taken in connection with the complaint. The State Bar shall provide the entity complained against with written notice of the complaint and an opportunity to respond when it appears that a violation of these Rules or other applicable authorities is involved.

18.3 Upon receipt, a complaint shall become the property of the State Bar. Complaints and investigations shall remain confidential until service of written notice of intent to revoke or suspend certification.

Rule 19. Revocation or Suspension of Certification

19.1 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, may revoke or suspend certification for failure to demonstrate full compliance with these Rules or other applicable authorities, or for other good cause including but not limited to:

- (a) Noncompliance with any provision of the statutes, these Rules or other authorities governing Lawyer Referral Services;
- (b) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers;
- (c) Direct or indirect consideration regarding referrals between an owner, operator or member of a Lawyer Referral Service and any licensed or unlicensed health care provider; or
- (d) Advertising on behalf of attorneys in violation of the Rules of Professional Conduct.

19.2 Revocation or suspension may include an investigation and administrative audit as provided in Rule 16.

19.3 Written notice of intent to revoke or suspend certification and of the reason(s) for such action shall be served by mail upon the Lawyer Referral Service.

19.4 A Lawyer Referral Service may request review of a determination to suspend or revoke certification within thirty (30) days of written notice of the intent to revoke or suspend. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Lawyer Referral Service. The request shall be considered by a subcommittee appointed by the Board of Governors or another committee appointed for this purpose by it. The subcommittee shall provide the Lawyer Referral Service with an opportunity to be heard consistent with due process requirements.

19.5 Upon the completion of such consideration, the subcommittee shall 1) revoke or suspend a certificate of compliance; 2) request further information; 3) decline to revoke or suspend a certificate of compliance, with or without conditions as the subcommittee may determine appropriate.

19.6 The subcommittee shall report in writing its findings, determinations and reasons for its determinations. A copy of that report shall be served by mail upon the Lawyer Referral Service, and the affected panel attorneys shall be given notice of any adverse action taken.

19.7 A Lawyer Referral Service may request review of the action of the subcommittee within thirty (30) days of service of the report of the subcommittee. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Lawyer Referral Service. The request shall be considered by the Board Committee on Legal Services or another committee appointed by the Board of Governors for this purpose. The Board Committee shall review the determinations of the subcommittee. It may hold hearings as it deems appropriate.

19.8 The Board Committee shall record in writing its findings and determinations and make such additional comments as it deems appropriate. Notice of such action shall be served by mail upon the Lawyer Referral Service.

19.9 Any further review of the issues shall be in accordance with rule 952(d), California Rules of Court.

19.10 During the pendency of proceedings pertaining to suspension or revocation of certification, the existing certification shall remain in effect, subject to directives from the subcommittee or Board Committee based on appropriate findings.

BUSINESS & PROFESSIONS CODE

Section 6155

(a) An individual, partnership, corporation, association, or any other entity shall not operate for the direct or indirect purpose, in whole or in part, of referring potential clients to attorneys, and no attorney shall accept a referral of such potential clients, unless all of the following requirements are met:

(1) The service is registered with the State Bar of California and

(a) on July 1, 1988, is operated in conformity with minimum standards for a lawyer referral service established by the State Bar, or (b) upon approval by the Supreme Court of minimum standards for a lawyer referral service, is operated in conformity with those standards.

(2) 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.

(b) A referral service shall not be owned or operated, in whole or in part, directly or indirectly, by those lawyers to whom, individually or collectively, more than 20 percent of referrals are made. For purposes of this subdivision, a referral service that is owned or operated by a bar association, as defined in the minimum standards, shall be deemed to be owned or operated by its governing committee so long as the governing committee is constituted and functions in the manner prescribed by the minimum standards.

(c) None of the following is a lawyer referral service:

(1) A plan of legal insurance as defined in Section 119.6 of the Insurance Code.

(2) A group or prepaid legal plan, whether operated by a union, trust, mutual benefit or aid association, public or private corporation, or other entity or person, which meets both of the following conditions: (A) It recommends, furnishes, or pays for legal services to its members or beneficiaries. (B) It provides telephone advice or personal consultation.

(3) A program having as its purpose the referral of clients to attorneys for representation on a pro bono basis.

(d) The following are in the public interest and do not constitute an unlawful restraint of trade or commerce:

(1) An agreement between a referral service and a participating attorney to eliminate or restrict the attorney's fee for an initial office consultation for each potential client or to provide free or reduced fee services.

(2) Requirements by a referral service that attorneys meet reasonable participation requirements, including experience, education, and training requirements.

(3) Provisions of the minimum standards as approved by the Supreme Court.

(4) Requirements that the application and renewal fees for certification as a lawyer referral service be determined, in whole or in part, by a consideration of any combination of the following factors: a referral service's gross annual revenues, number of panels, number of panel members, amount of fees charged to panel members, or for-profit or nonprofit status; provided that the application and renewal fees do not exceed ten thousand dollars (\$10,000) or 1 percent of the gross annual revenues, whichever is less.

(5) Requirements that, to increase access to the justice system for all Californians, lawyer referral services establish separate ongoing activities or arrangements that serve persons of limited means.

(e) A violation or threatened violation of this section may be enjoined by any person.

(f) With the approval of the Supreme Court, the State Bar shall formulate and enforce rules and regulations for carrying out this section, including rules and regulations which do the following:

(1) Establish minimum standards for lawyer referral services. The minimum standards shall include provisions ensuring that panel membership shall be open to all attorneys practicing in the geographical area served who are qualified by virtue of suitable experience, and limiting attorney registration and membership fees to reasonable sums which do not discourage widespread attorney membership.

(2) Require that an entity seeking to qualify as a lawyer referral service register with the State Bar and obtain from the State Bar a certificate of compliance with the minimum standards for lawyer referral services.

(3) Require that the certificate may be obtained, maintained, suspended, or revoked pursuant to procedures set forth in the rules and regulations.

(4) Require the lawyer referral service to pay an application and renewal fee for the certificate in such reasonable amounts as may be determined by the State Bar. The State Bar shall adopt rules authorizing the waiver or reduction of the fees upon a demonstration of financial necessity. The State Bar may require that the application and renewal fees for certification as a lawyer referral service be determined, in whole or in part, by a consideration of any combination of the following factors: a referral

service's gross annual revenues, number of panels, number of panel members, amount of fees charged to panel members, or for-profit or nonprofit status; provided that the application and renewal fees do not exceed ten thousand dollars (\$10,000) or 1 percent of the gross annual revenues, whichever is less.

(5) Require that, to increase access to the justice system for all Californians, lawyer referral services establish separate ongoing activities or arrangements that serve persons of limited means.

(6) Require each lawyer who is a member of a certified lawyer referral service to comply with all applicable professional standards, rules, and regulations, and to possess a policy of errors and omissions insurance in an amount not less than one hundred thousand dollars (\$100,000) for each occurrence and three hundred thousand dollars (\$300,000) aggregate, per year. By rule, the State Bar may provide for alternative proof of financial responsibility to meet this requirement.

(g) Provide that cause for denial of certification or recertification or revocation of certification of a lawyer referral service shall include, but not be limited to:

(1) Noncompliance with the statutes or minimum standards governing lawyer referral services as adopted and from time to time amended.

(2) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers.

(3) Direct or indirect consideration regarding referrals between an owner, operator, or member of a lawyer referral service and any licensed or unlicensed health care provider.

(4) Advertising on behalf of attorneys in violation of the Rules of Professional Conduct or the Business and Professions Code.

(h) This section shall not be construed to prohibit attorneys from jointly advertising their services.

(1) Permissible joint advertising, among other things, identifies by name the advertising attorneys or law firms whom the consumer of legal services may select and initiate contact with.

(2) Certifiable referral activity involves, among other things, some person or entity other than the consumer and advertising attorney or law firms which, in person, electronically, or otherwise, refers the consumer to an attorney or law firm not identified in the advertising.

(i) A lawyer referral service certified under this section and operating in full compliance with this section, and in full compliance with the minimum standards and the rules and regulations of the State Bar governing lawyer referral services, shall not be deemed to be in violation of Section 3215 of the Labor Code or Section 750 of the Insurance Code.

(j) The payment by an attorney or law firm member of a certified referral service of the normal fees of that service shall not be deemed to be in violation of Section 3215 of the Labor Code or Section 750 of the Insurance Code, provided that the attorney or law firm member is in full compliance with the minimum standards and the rules and regulations of the State Bar governing lawyer referral services.

(k) Certifications of lawyer referral services issued by the State Bar shall not be transferable.

SECTION 6156

(a) Any individual, partnership, association, corporation, or other entity, including, but not limited to, any person or entity having an ownership interest in a lawyer referral service, which engages, has engaged, or proposes to engage in violations of Section 6155, shall be liable for a civil penalty as defined in Sections 17206, 17206.1, and 17536, respectively, which shall be assessed and recovered in a civil action brought: (1) In the manner specified in subdivision (a) of Section 17206 or Section 17536. (2) By the State Bar of California.

(b) If the action is brought pursuant to subdivision (a), the court shall determine the reasonable expenses, if any, incurred by the State Bar in its investigation and prosecution of the action. In these cases, before any penalty collected is paid out pursuant to subdivision (b) of Section 17206 or 17536, the amount of the reasonable expenses incurred by the State Bar shall be paid to the State Bar and shall be deposited and used as provided in subdivision (c).

(c) If the action is brought pursuant to paragraph (2) of subdivision (a), the civil penalty shall be paid to the State Bar and shall be deposited into a special fund to be used first for the investigation and prosecution of other such cases by the State Bar, with any excess to be used for the investigation and prosecution of attorney discipline cases.

CALIFORNIA CIVIL CODE
Section 43.95.

(a) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any professional society or any nonprofit corporation authorized by such society to operate a referral service, or their agents, employees, or members, for referring any member of the public to any professional member of such society or service, or for acts of negligence or conduct constituting unprofessional conduct committed by a professional to whom a member of the public was referred, so long as any of the foregoing persons or entities has acted without malice, and the referral was made at no cost added to the initial referral fee as part of a public service referral system organized under the auspices of the professional society. Further, there shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any professional society for providing a telephone information library available for use by the general public without charge, nor against any nonprofit corporation authorized by such society for providing a telephone information library available for use by the general public without charge. "Professional society" includes legal, psychological, architectural, medical, dental, dietetic, accounting, optometric, podiatric, pharmaceutical, chiropractic, veterinary, licensed marriage, family, and child counseling, licensed clinical social work, and engineering organizations having as members at least 25 percent of the eligible persons or licentiates in the geographic area served by the particular society. However, if the society has less than 100 members, it shall have as members at least a majority of the eligible persons or licentiates in the geographic area served by the particular society. "Professional society" also includes organizations with referral services which have been authorized by the State Bar of California and operated in accordance with its Minimum Standards for a Lawyer Referral Service in California, and organizations which have been established to provide free assistance or representation to needy patients or clients.

(b) This section shall not apply whenever the professional society, while making a referral to a professional member of such society, fails to disclose the nature of any disciplinary action of which it has actual knowledge taken by a state licensing agency against that professional member. However, there shall be no duty to disclose a disciplinary action in either of the following cases:

(1) Where a disciplinary proceeding results in no disciplinary action being taken against the professional to whom a member of the public was referred.

(2) Where a period of three years has elapsed since the professional to whom a member of the public was referred has satisfied any terms, conditions, or sanctions imposed upon such professional as disciplinary action; except that if the professional is an attorney, there shall be no time limit on the duty to disclose.

(c) This section shall become operative on July 1, 1993.