



**ATTORNEY REFERRAL AND INFORMATION SERVICE
OF FRESNO COUNTY BAR ASSOCIATION**

1221 Van Ness Ave., Suite 300 · Fresno, California 93721-1720
(559) 264-0137 Fax (559) 264-8726

APPLICATION

1. NAME
2. OFFICE ADDRESS
3. I am insured for errors and omissions (malpractice) in the minimum amount of \$100,000.00 for each occurrence and \$300,000.00 aggregate per year or I hereby provide proof of my financial responsibility in the same amounts. I am aware and consent to this information being provided to the State Bar of California upon their request.
****PLEASE INCLUDE A COPY OF THE DECLARATION PAGE OF YOUR MALPRACTICE INSURANCE****
- 3(a). I was admitted to practice in California on
- 3(b). My State of California Bar number is
- 3(c). I (am) (am not) a member of the Fresno County Bar Association.
- 3(d). Check one: I have never been disciplined by the State Bar of California, or any other attorney licensing body.

I have been disciplined in the past and I herewith attach a separate letter giving the full details regarding the same.
4. I will accept cases in the following classifications which I have specifically circled. (Please study this list carefully and mark those classifications which you want to handle. If, without proper cause, you refuse any type of case which you hereby agree to accept, you will lose your turn and your name will be placed at the end of the list as though you had received a referral.)

1. ADMINISTRATIVE HEARINGS:

- 1a. Social Security – Denial Appeals, overpayment/stop pymt
- 1b. SSI
- 1c. State Disability
- 1d. Unemployment Insurance/Denial/Appeals
- 1e. Survivor Benefits (Child or Spouse)
- 1f. Medical or Medicare denial
- 1g. ABC Licensing/DMV
- 1h. Other:

2. AGRICULTURAL & WATER RIGHTS

3. BANKRUPTCY:

- 3a. Debtor or Creditor
- 3b. Chapters 7, 11, 12 or 13

4. BUSINESS TRANSACTIONS

5. CIVIL RIGHTS

- 5a. Police Misconduct
- 5b. Discrimination other than Employment

6. CONSERVATORSHIP and/or GUARDIANSHIP

- 6a. Adult or Minor

7. CONSUMER

8. CONTRACT

9. COPYRIGHT, TRADEMARKS, UNFAIR COMPETITION

10. CRIMINAL – (Please Specify)

11. DEBTOR and/or CREDITOR:

- 11a. Student Loans
- 11b. Small Claims and or Appeals
- 11c. Lemon Law or repossession

12. DOMESTIC RELATIONS

- 12a. Dissolution
- 12b. Spousal Support, Child Support/Paternity
- 12c. Child Custody/Visitations
- 12d. Adoptions
- 12e. Pre-nuptial Agreements
- 12f. Domestic Partnership
- 12g. CPS cases, etc.

13. EDUCATION LAW – (Please specify)

14. ELDER LAW

- 14a. Elder abuse physical/financial

15. ENVIRONMENTAL LAW

16. ESTATE PLANNING, TRUSTS & PROBATE LAW

- 16a. Estate Planning
- 16b. Trusts
- 16c. Probate

17. IMMIGRATION & NATURALIZATION

18. INSURANCE

- 18a. Auto
- 18b. Health
- 18c. Life
- 18d. Property
- 18e. Bad Faith
- 18f. Private Ins – (Re: Disability)

19. INTERNATIONAL LAW

20. JUVENILE LAW:

- 20 a. Emancipation
- 20 b. Criminal –WI 300

21. LABOR LAW:

- 21a. Wrongful Termination
- 21b. Employment Discrimination
- 21c. Wage & Hour Law
- 21d. Sexual Harassment
- 21e. Whistle blower

22. LANDLORD and/or TENANT:

- 22a. Residential
- 22b. Commercial
- 22c. Unlawful Detainer
- 22d. Restricted access

23. MALPRACTICE

- 23a. Medical
- 23b. Legal
- 23c. Dental

24. MILITARY

25. PATENT

26. REAL ESTATE-COMMERCIAL OR RESIDENTIAL

- 26a. Construction Law
- 26b. Loan Modifications/Foreclosure and/or Liens
- 26c. Land Use, Zoning, Eminent Domain
- 26d. Property Disputes
- 26e. Sales & Purchases

27. TAXATION

- 27a. IRS – State/Federal
- 27b. Other:

28. TORT LAW:

- 28a. P.I. and/or Property Damage auto or other
- 28b. Products Liability
- 28c. Defamation/slander
- 28d. Business
- 28e. Other:

29. WILLS

30. WORKER’S COMPENSATION

31. OTHER

The undersigned hereby applies for registration on the panel of the Attorney Referral & Information Service of the Fresno County Bar Association. He/she certifies that he/she is familiar with the Rules Governing the Attorney Referral & Information Service, the State Bar of California’s Minimum Standards for a Lawyer Referral Service in California as amended from time to time and that he/she will abide by such rules and by all such rules which may be promulgated by the Service, and agrees to be bound thereby; that he/she recognizes the Service as a means and opportunity whereby the legal profession can render better service to the public.

Check if applicable:

() I also hereby apply for membership in the Estate Planning, Trust & Probate special qualification panel. In so doing, I state that I have handled to completion, within the last three years, at least five decedent’s estates, of which three were probates, and I have drafted at least five wills, one of which contains a testamentary trust, within the last two years. I agree to provide proof of the foregoing experience to the Service upon request.

1. I am an active member of the State Bar of California. I have not been previously removed from a panel of the Attorney Referral & Information Service.
2. I agree to conduct the initial consultation at no charge to me, with each client referred (at the appointed time in my office) for up to one-half hour.
3. I agree that as a condition of membership in the Service I will allow inspection by the Service of all billing collection, and other financial records pertaining to fees received by me for referred cases and will provide an accounting of such fees within thirty days of case closure or demand by the Service. I will pay the Service a fee on all fee generating cases as specified in the Rules and Regulations of the Service.
4. I understand that I may be suspended or excluded from participating in the Service by action of the Attorney Referral Committee of the Bar Association in accordance with Section 2.3 of the operating rules.
5. I agree to promptly notify the Service in the event I become ineligible or disqualified to serve on any panel or become unable to accept referrals from the Service.
6. I agree that I will refer cases sent to me by the Attorney Referral Service only to attorneys who are covered by a policy of errors and omissions insurance in the minimum amount of \$100,000.00 for each occurrence and \$300,000.00 aggregate per year or I hereby provide proof of my financial responsibility in the same amount.
7. I understand that I shall be permitted to withdraw my registration from any or all panels of the Service at anytime upon notice to the Attorney Referral Committee.
8. I acknowledge receipt of a copy of the State Bar of California’s Minimum Standards for a Lawyer Referral Service in California, effective 1/1/97.
9. I have read and agree to abide by all the Rules and Regulations of the Service, the rules of the State Bar and such other and further rules as may be hereinafter adopted.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed at _____, California on the _____ day of _____

Signature of Applicant

ATTORNEY INFORMATION SHEET
ATTORNEY REFERRAL AND INFORMATION SERVICE
of the Fresno County Bar Association

State Bar Certification #0016

Name: _____ **Date:** _____

Office Address: _____ **Zip Code:** _____

Phone: _____ **Fax:** _____

Main Cross Streets for Office: _____

Name of Person to contact for scheduling appointments: _____

1. Date of Admission to State Bar of California ___/___/_____
2. Do you agree to schedule phone consultations? YES () NO ()
3. Will you take weekday evening appointments? YES () _____ a.m. _____ p.m.
NO ()
4. Will you take Saturday Appointments? YES () _____ a.m. _____ p.m.
NO ()
5. Will you make house calls in special circumstances (e.g. for elderly and handicapped)?
YES () NO ()
6. Will you make jail visits to potential clients? YES () NO ()
7. Will you take cases outside of Fresno County? YES () NO ()
If answered yes which counties? _____
8. Please list any foreign languages in which you and/or your staff are fluent in: (please specify)

9. Are you proficient at sign language? YES () NO ()
10. Is your office handicapped accessible? YES () NO ()
11. Has the State Bar of California ever taken any disciplinary action against you?
YES () NO () If answered yes, please explain:

Operating Rules
Of the
Attorney Referral and Information Service
Of the
Fresno County Bar Association

PRINCIPAL OFFICE

1.1 **PRINCIPAL OFFICE.** The principal office for the transaction of business of the Attorney Referral and Information Service (the “Service”) is fixed and located at 1221 Van Ness Ave., Ste. 300, City of Fresno, County of Fresno, State of California.

MEMBERSHIP.

2.1 **QUALIFICATIONS OF PANEL MEMBERS.** Any active member of the State Bar of California who regularly practices and maintains a law office in the service area and who is covered by a policy of errors and omissions insurance in the minimum amount of \$100,000 for each occurrence and \$300,000 aggregate per year or provides alternative proof of financial responsibility in the same amounts, may apply to become a member of one or more panels of this Service. Evidence of errors and omissions insurance shall be submitted in writing to the Service with the attorneys’ application for membership and thereafter upon each anniversary date of said policy. Proof of insurance will be provided to the State Bar of California at their request. No one shall be denied membership on any panel on the basis of race, creed, color, sex, age, physical handicap, or sexual preference. Any attorney who is not an active member of the Fresno County Bar Association shall pay an annual fee of **\$150.00** as a condition of membership in this Service.

2.2 **CONDITIONS OF PANEL MEMBERSHIP.** Each attorney panel member shall agree, as a condition of continued membership, to the following:

(a) The attorney shall provide a half-hour consultation without charge to any client referred by the Service. After said half-hour, the

attorney member may charge a reasonable amount for his or her services to be agreed upon with the client. In no event shall the legal fee or combination of legal fees charged or paid by the client to the attorney increase the client's cost for legal services beyond that which such client would normally be charged or pay, or decrease the quantity or quality of services which such client would otherwise receive, absent involvement of the Service;

(b) The attorney shall refer cases sent to him or her by the Service only to attorneys who are covered by a policy of errors and omissions insurance in the minimum amount of \$100,000 for each occurrence and \$300,000 aggregate per year or provides alternative proof of financial responsibility in the same amounts, and who agrees to pay the forwarding fees to the Service provided for in Paragraph 2.2(h) of these Operating Rules. The attorney shall also advise the Service immediately upon such referral;

(c) The attorney shall within one month after termination of each referred case, report the fee, if any, received by the attorney;

(d) The attorney shall, within thirty (30) days from the date of service of the request, complete and deliver to the Service any periodic reports which may be requested by the Service of panel members;

(e) The attorney shall, within thirty (30) days following inquiry by the Service, report in writing to the Service the status of the case of any client referred to the attorney and the amount of any fees paid by the client to date;

(f) Failure to comply with (d) and/or (e) will subject the attorney to an audit at his/her expense;

(g) The attorney shall handle all cases with professional competence and diligence;

(h) If a fee dispute arises between the Attorney and the client referred by the Service, Attorney must submit a "Notice of Client's Right to Arbitrate" to the client before commencing any legal action. If the client elects arbitration, Attorney agrees to submit to arbitration through the Fee Arbitration Committee of the Fresno County Bar Association or similar fee arbitration program of the California Bar Association;

(i) The attorney shall pay within thirty (30) days following the termination of any case referred by the Service based on the fees received from the clients on such cases, based on the following schedule:

- Fees from \$0.00 to \$500.00.....10%
- Fees from \$500.01 to \$1,000.00...15%
- Fees in the excess of \$1,000.00....20%

(j) The attorney shall comply with all rules of this Service.

(k) After the termination of the original matter referred by the Service, in the event client returns to Attorney for additional services on the same matter referred, or any matter directly related to the original matter referred, Attorney shall pay to the Service fees based on the fee schedule described in Paragraph 2.2(i).

2.3 EXCLUSION, SUSPENSION AND REMOVAL.

(a) **Exclusion.** An attorney may be excluded from serving on one or more of the panels by a determination of the Committee in accordance with the procedures set forth herein;

(b) **Automatic Suspension and Removal.** An attorney may be indefinitely suspended or removed from all panels at any time for;

(i) Failure to submit annual when due, or within fifteen (15) days following a request by the Service, proof of insurance coverage as required by these rules;

(ii) Failure to pay when due any dues imposed herein; or

(iii) Failure to deliver to the Service when due any report or information required by these rules.

(c) **Suspension by Committee Determination.** Any attorney may be suspended and, subject to and following any hearing, removed at any time from one or more of the panels of this Service in the event the Committee determines that there is reasonable grounds to believe that the attorney has or may have failed to comply with any of the rules herein.

(d) **Right to Hearing.** Promptly upon a determination by the Committee that an attorney will be excluded, suspended, or removed from one or more panels, the Service shall promptly notify said attorney of said exclusion, suspension, or removal and give the attorney a written statement of the reasons for its decision and offer the attorney a meaningful opportunity to be heard in his or defense as follows: Said attorney shall have a period of two weeks following delivery of said notice to request a hearing before the Committee to contest said decision. In the event said attorney fails to request a hearing within said period, the attorney shall not become a member of, shall be suspended for the time determined by the Committee, or shall be removed from, said panels.

In the event an attorney requests a hearing before the Committee in accordance with these rules, the Committee shall establish a date and time for the hearing within thirty (30) days of the date the Service receives the attorney's request for a hearing. A quorum of a majority of the Committee shall be present at the hearing and a decision of the Committee shall be by the majority vote of the members present.

Notice of the date, time, and place of the hearing shall be delivered to the attorney in writing at least thirty (30) days before the date set for the hearing. The Committee, after hearing the matter, shall render its written decision within thirty (30) days from the last day of hearing. The member may appeal the decision of the Committee by giving written notice of the decision by the Committee, to the Board of Directors of the Fresno County Bar Association.

2.4 **COLLECTIONS**. The Service may institute collection proceedings against any member who does not remit fees as provided whether or not the attorney has been suspended or removed from any panels. The attorney agrees to pay costs of collections including reasonable attorney's fees.

2.5 **RESIGNATION**. An attorney member may resign his or her membership on any one or more panels. Said resignation shall become effective ten days after receipt by the Committee of written notice of such resignation.

OPERATING RULES.

3.1 **THE COMMITTEE**. The conduct and operation of this Service shall be supervised by a Committee (the "Committee") to be appointed by the Board of Directors of the Fresno County Bar Association.

3.2 **RECORDS**. The Committee shall maintain and provide to the State Bar, upon request, current records of its operating including at least the following:

(a) The name, address and pertinent qualifications of each panel member, and the number and types of matters referred to such 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, the date the referral was made and the date the case was resolved or otherwise closed as reported by the panel member; and

(c) The total fees the Service requires of its panel attorneys, including but not limited to: registration fees to join the Service; fees paid to belong to each panel an attorney elects to join; referral or consultation fees remitted back to the Service; forwarding fees; advertising fees or other miscellaneous fees paid by the panel attorney to the Service.

3.3 **REPORTS TO THE STATE BAR**. The Committee shall file an annual report of its activities with the State Bar of California which shall include statistics derived from its operating records and alterations, if any, which have been made in the conduct of the Service by the Committee and a detailed accounting of all income to the Service (and sources hereof), all expenses related to the operation or promotion of the Service, the amount of current reserves held by the Service, and the specific disposition over the past two years of any reserves and/or surpluses derived from the Service.

3.4 **ANNUAL REVIEW**. The Committee shall review its operating records at least annually and shall make whatever alteration in the operation of the Service it deems necessary.

3.5 **RULES**. Each panel member of this Service shall receive a copy of these Rules and a copy of the Minimum Standards for Lawyer Referral Services in California at the time he or she becomes a member.

3.6 **REGULAR MEETINGS**. Regular meetings of the Committee shall be held at **least** quarterly.

3.7 **SPECIAL MEETINGS**. Special meetings of the Committee may be called by or at the request of any two members of the Committee. Written notice of the time and the place of a special meeting of the Committee shall be delivered personally or sent by mail or telegram, charges prepaid, to each Committee member at his address as shown by the records of the Service. The notice shall be mailed at least five days before the time of the holding of the meeting.

The transactions of any meeting of the Committee members of this Service, however called and noticed shall be as valid as though a meeting held after regular call and notice if a quorum of a majority of the members present, and if, either before or after the meeting, each of the Committee members not present sign a written waiver of notice, or a consent to the holding of the meeting or an approval of the minutes of the meeting. All the waivers, consents or approvals shall be part of the minutes of the meeting.

3.8 **ACTION WITHOUT MEETING**. Any action required or permitted to be taken by the Committee may be taken without a meeting if all members of the Committee individually or collectively consent in writing

to such action. Such written consent or consents shall be filed in the Office of the Service.

3.9 **PROCEEDS**. The proceeds derived from the operation of the Service may be used only for the following:

(a) Payment of the actual expenses of operating, conducting, promoting and developing the Service, including expenditures for capital purposes for the Service, as determined on a reasonable accounting basis and with provision for reasonable reserves;

(b) Support of activities or programs:

(i) for the furnishing of legal services to persons and entities financially unable to pay for all or part of such services, or conducted by a legal aid plan or program for the furnishing of services to indigents or by a nonprofit organization formed for charitable or other public purposes which furnishes legal services to persons only in respect to their civic or political or constitutional rights and not otherwise in furtherance of such charitable or other public purposes or such organizations, or

(ii) designed to educate members of the public with respect to the law, the judicial system, the legal profession, or the need, manner of obtaining and availability of legal services; or

(iii) designed to advance the purposes of the Service as stated herein; or

(c) Support of other public service activities. In no event shall proceeds from the Services be used to defray the costs of operating the sponsoring association (other than those properly apportionable as expenses for the purposes described in subsection (a), (b) and (c) hereof) or be used solely for the benefit of the members of such association or members of the State Bar of California.

3.10 **PUBLICITY**. The form and content of all publicity shall be dignified and shall not be misleading, and shall comply with the Rules of Professional Conduct set by the State Bar of California. All advertising shall identify the sponsor(s) of the Service. No publicity about the Service shall identify the attorneys participating in it, except that this shall not prohibit a participating attorney from acting as a spokesperson for the Service if authorized by the Committee.

3.11 **REPORTING DISCIPLINARY ACTIONS**. Pursuant to California Civil Code Section 43.95, the Service shall disclose to any client to be referred to a member the nature of any disciplinary action taken against

the attorney by the California State Bar Association or other state licensing agency of which the Service has actual knowledge.

REFERRAL PROCEDURES.

4.1 **SPECIAL PANELS.** The Committee may establish such “special qualifications” panels as it deems advisable and shall establish and file with the State Bar of California standards and procedures for qualifications for membership on the panel, for reviewing the qualifications of a member to remain on or to be removed from the panel, and for appealing decisions to suspend or remove a member from the panel. The Committee has established a special qualification panel to be known as the Probate and Wills panel. A member of this panel shall establish to the Service that he or she has handled to completion within the last three years, at least five decedent’s estates, of which there were probates and has drafted at least five wills, one of which contains a testamentary trust, within the last two years.

4.2 **REFERRAL GUIDELINES.** The Service shall not operate so that all referrals from a specific geographical area are made to a single lawyer or firm. Each referral shall be made in a fair and impartial manner and not on the basis of race, sex, national origin, religion, age, physical handicap, or sexual preference. No referral shall be made by the referee to himself or herself or his or her associates or employees. No referral shall be made which violates any provision of the State Bar Act in Rules and Professional Conduct, including but not limited to, restrictions against unlawful solicitation and false and misleading advertising. 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.

4.3 **REFERRAL PROCEDURES.** Assignment of cases of clients shall be on a rotation basis among the attorney members of a panel subject to the following exceptions:

(a) If the Service ascertains that a person being interviewed is presently represented by a lawyer, the Service shall endeavor to have such person consult the same lawyer as before;

(b) No panel member shall lose his or her place on the panel by reason of the inability of the Service to reach him or her by telephone to make a reference, and the attorney so passed shall receive the next available reference; and

(c) Exceptions to the standard rotation basis of referrals may be made in order to accommodate particular circumstances of the client, including type and degree of difficulty of the legal problem presented, geographical convenience or language needs.

4.5 **APPLICANTS FEE**. Each client applicant shall pay a referral fee of **\$30.00** to the Service and shall be entitled up to a thirty minute consultation without charge by the attorney member for that fee.

AMENDMENT OF RULES.

5.1 **AMENDMENT**. These rules may be amended or repealed and new rules adopted, without prior notice to members, by the vote of a majority of the members of the Committee at any Committee meeting subject to approval by the Board of Directors of the Fresno County Bar Association.

5.2 **MINIMUM STANDARDS**. Notwithstanding anything to the contrary herein, these rules shall in all events remain in compliance with the Minimum Standards of the State Bar of California.

5.3 **INCORPORATION OF MINIMUM STANDARDS OF THE STATE BAR REGARDING LAWYER REFERRAL SERVICE.** These rules incorporate by reference the provisions of the State Bar of California's Minimum Standards for a Lawyer Referral Service in California, currently then in effect and as amended from time to time.

Attorney Referral and Information Service
of the Fresno County Bar Association
State Bar Certification #0016



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ARIS COMMITTEE
Cheryl L. Browns, Chair
Anita Martinez
R. Frank Butler
Bobbie Lee
Patricia B. O'Neill
William J. Smith
Hugh W. Willoughby

TO ALL MEMBERS OF THE ATTORNEY REFERRAL AND INFORMATION
SERVICE PLANEL:

October 15, 1987, that following forwarding fee schedule is in effect for cases referred to you by the Attorney Referral and Information Service:

All fees from \$0 to \$500-----10%
Plus portion of fees from \$500.01 to \$1,000-----15%
Plus portion of fees in excess of \$1,000.01-----20%

If you have any question regarding this schedule or the computation of the amounts due the Service, please contact the Attorney Referral Service at (559) 264-0137.

**Rules and Regulations of the State Bar of California
Pertaining to Lawyer Referral Services
Including Minimum Standards for a Lawyer Referral Service in California
Effective 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 resolutions 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 for this purpose 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 9.13(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 maybe 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 & 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 any 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 procedure 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 9.13(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.

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