



Pima County Bar Association

Lawyer Referral Service (LRS) Program

December 2013

LRS Statement of Standards and Rules

I. PREAMBLE

- 1.1 The Pima County Bar Association, hereinafter referred to as "PCBA," recognizes that there is a segment of the public that would greatly benefit from the provision of aid in the selection of an attorney appropriate to their needs. In order to respond to public needs, the PCBA established a Lawyer Referral Service, hereinafter referred to as "LRS."
- 1.2 The LRS is established and will be operated for the benefit of the public, and as a means of connecting the public with attorneys. It should be readily accessible and its existence should be known to the public to the greatest extent possible (e.g., public pamphlets, online sources, the yellow pages, and referrals from other governmental, consumer, and nonprofit agencies).
- 1.3 The purposes of LRS are threefold:
- (a) To make legal referral services available to the general public by providing a way by which any person may be referred to an attorney on a basis that takes into consideration the person's spoken language, geographical convenience, and the type of legal problem presented;
 - (b) To provide information about attorneys and the availability of legal services that will aid in the selection of a lawyer;
 - (c) To provide referrals to consumer, government, and other agencies that may further assist persons with their legal concerns.

II. PROGRAM OPERATIONS & PROCEDURES

- 2.1 The LRS will be operated from the PCBA Office, utilizing full-time and part-time staff members of PCBA as appropriate. One staff member shall serve as the LRS Coordinator.

- 2.2 The LRS will function as a phone referral service, by which a person must call a phone line specifically designated for the LRS program in order to obtain a lawyer referral. Walk-ins will be publicly discouraged due to limited staff and safety reasons. Exceptions to the "No Walk-ins" practice, such as those involving emergency or very time-sensitive situations, will be made on a case-by-case basis by the LRS Coordinator and LRS staff. The public may also contact the LRS program via the program's email address lrs@pimacountybar.org.
- 2.3 The LRS staff member will ascertain whether the client has a problem appropriate for referral. The LRS staff member will attempt to direct the client to a source that can provide help, whether it is a human service, social service, or other appropriate agency or source. The client will be informed of the LRS program rules concerning: (a) the initial referral fee to be paid, (b) the extent of legal services that will be rendered for such a fee, and (c) the need to contact the LRS staff about any complaints against the lawyer.
- 2.4 A LRS referred client shall be provided a consultation up to 30 minutes for a pre-paid fee of \$35.00. This fee may be revised from time to time by the LRS Committee, and subject to approval by the PCBA Board of Directors. The LRS client consultation shall concern the legal problems the client presents.
- 2.5 A referral to a participating LRS attorney panel member will be made only after:
- (a) LRS staff has conducted the initial client intake and screening process;
 - (b) The client agrees to pay the initial, established referral fee in exchange for a consultation up to 30 minutes with the LRS attorney; and
 - (c) The LRS attorney panel member has been selected on a rotating basis pursuant to Section 1.3 (a) above.

- 2.6 Only one LRS attorney panel member's name will be supplied to a client after the initial intake and screening. All clients will be encouraged to contact the LRS staff if they are unable to contact the attorney or they are not satisfied. In all such cases, additional referrals to other LRS attorney panelists may be made, with the LRS Coordinator or LRS staff deciding on a case-by-case basis when further referrals to attorney panel members are no longer warranted.
- 2.7 Procedures will be maintained to assure that each referral is made in a fair and impartial manner to all attorney panelists. Specifically, panel members shall be grouped by a rotation system, maintained by LRS staff, that is based upon county or other lesser geographic groupings and area of law practiced. Referrals will be made to panel members in rotation in the county or geographic area closest to the client and based upon the needed area of legal expertise, with consideration of the client's spoken language. Such procedures are designed to respond to all needs and circumstances of the client.
- 2.8 Simple subject matter panels are those legal areas, in which an attorney must self-validate that s/he has handled two (2) matters to completion and qualifies to provide representation in that legal area. Experienced subject matter panels are those legal areas, in which attorneys are required to demonstrate and document achievement of certain objective levels of experience. Attorneys may select up to six (6) legal areas in which to receive referrals. A list of all current panels, including the required experience criteria for each one, is available on the current attorney panelist application.
- 2.9 All staff members will be trained in how best to respond and assist individuals who contact the LRS program. Training will include information regarding program policies and procedures, the program's available legal areas, other local resources that may be of help to clients, and how to respond in a courteous manner. The LRS Committee will review staff training procedures at least once a year to determine if new training information or continuing education opportunities are needed.

- 2.10 Contact with the LRS and any information provided by the caller is confidential. Such communication will not be divulged to anyone outside the LRS program without the consent of the client except in furtherance of client representation.
- 2.11 The LRS program shall regularly conduct client follow-up or feedback surveys to monitor client satisfaction and staff/attorney panelist compliance with LRS procedures. Attorneys will receive copies of client feedback comments that pertain to them.
- 2.12 The LRS program will regularly collect and document statistics on the program's performance and progress, including the number of total contacts, the number of attorney referrals, and the outcome of referrals.
- 2.13 The LRS program reserves the right to decline for cause to make the facilities of the LRS program available to any person to the extent it may do so under law.

III. COMMITTEE SUPERVISION & REPORTING

- 3.1 A LRS Committee, hereafter referred to as the "Committee," will be charged with the supervision of the LRS as provided in this Statement of Standards and Rules. The Committee shall be subject at all times to the supervision of the PCBA Board of Directors and shall regularly report to the Board of Directors, at minimum on an annual basis.
- 3.2 The Committee will be composed of members of the PCBA and PCBA staff members who focus upon the daily operations of LRS.
- 3.3 The Committee will meet as needed during the year to review overall policy matters and areas of LRS development. The Committee formulates and adopts all client referral fees, attorney panel member fees, policy revisions, and rules for the conduct and operation of LRS, all of which is subject to approval of the PCBA Board of Directors.

- 3.4 The Committee supervises the regulation of panel membership to the LRS program, including the review of prospective panelists and the continued eligibility and participation of current LRS panelists. The Committee may perform random audits of panelists' applications to ensure that legal panel membership qualifications are met for participation in both simple and experienced subject matter panels.

current application form. Members of adjacent county bar associations approved by the Committee, may qualify for the PCBA member rate.

IV. PANEL MEMBERSHIP REQUIREMENTS & RULES

- 4.1 Any attorney in good standing with the State Bar of Arizona and in active practice who carries current professional liability insurance with a minimum coverage of \$100,000 to \$300,000 may qualify as a LRS attorney panel member.
- 4.2 Applicants must have been actively engaged in the practice of law for one year prior to their application. They may only participate in those simple panel areas in which they have handled two (2) matters to completion within the last five (5) years and must self-verify that such requirements are met. Attorneys who select membership on any experienced subject panels must provide the required objective verification noted on the panelist application for each selected experienced subject panel. A maximum of six (6) legal areas, in which to receive referrals, may be chosen per year.
- 4.3 Panel membership coincides with the calendar year, and attorneys must reapply each year. Membership in LRS for one year does not guarantee membership will be accepted in subsequent years. Applicants are responsible for completing and returning the yearly LRS panelist application. The yearly application serves as an agreement between the LRS program and the panel member.
- 4.4 There is a yearly LRS panelist membership fee established by the Committee and approved by the PCBA Board of Directors. The one-time, annual fee is non-refundable, non-prorated, and due at the time of the LRS application submission. If reinstated following any temporary suspension, there are no additional fees. Specific fee rates for PCBA members and non-PCBA members can be found on the

- 4.5 Each panel member will also make an additional payment to the LRS program, of 10% of the collected net legal fee (excluding itemized expenses and disbursements) on any cases or matters referred by LRS on which the panel member has earned and received fees in excess of \$499 (i.e., any fees collected over \$499 is included), which must be sent to LRS within 30 days of the end of representation of the LRS client referred by the LRS program on or after January 1, 2014.
- 4.6 Attorney panelists may at any time temporarily or permanently withdraw their name from participation within a specific legal panel or the LRS program entirely upon notice provided to the LRS staff.
- 4.7 Attorneys who withdraw from the LRS program are still bound to:
- (a) Return all administrative reports with updated case status information until such time that they certify that all referred cases have been closed, and
 - (b) Forward additional 10% amounts on collected fees from all referred matters or cases by the LRS program on or after January 1, 2014.
- 4.8 Attorney panelists are expected to give LRS clients a free consultation up to 30 minutes and provide the same professional and respectful treatment as other clients, including:
- (a) Returning phone calls of LRS clients promptly
 - (b) Being on time for appointments, or canceling/rescheduling them in advance
 - (c) Making a reasonable effort to gather sufficient information during the consultation and not rushing the appointment
 - (d) Providing notice of the attorney's fees and billing structure
 - (e) Affording notice of whether the attorney will provide future services to the client

4.9 All panel members will abide by the LRS Policy Standards and Rules, and statements within the panelist application. Each LRS panel member agrees to adhere to the **FOLLOWING PANELIST GUIDELINES:**

- (a) I will grant a **FREE** initial consultation of up to one half hour with the client who has been referred to me through the LRS program.
- (b) I will grant all clients referred by LRS an appointment as soon as practicable after the request is made by the client or LRS staff.
- (c) I will not refuse or screen appropriately-made referrals to avoid cases that appear less desirable or profitable. I understand that good cause must exist for refusal of the initial consultation and may include a conflict of interest, ethical reasons, personal reasons, the client's need for special services, and a lack of qualifications with respect to the client's specific case.
- (d) I will provide an in-person consultation with the client, unless the client has time or location limitations, or **the client** specifically prefers a phone consultation.
- (e) **If I am unable to provide the initial LRS consultation, I will refer the client back to the LRS program.** I will not refer a LRS client to another attorney or another member of my law firm (even if s/he is also a LRS panelist).
- (f) I shall give my full attention during the consultation and shall treat the client in a professional and respectful manner (see 4.6 above).
- (g) Any charge for additional legal services beyond the free initial consultation will be as agreed upon with the client and discussed during the free initial LRS consultation. **I will explicitly inform the LRS client at which point the free consultation ends and the service fees begin before they are actually accrued. A client will NOT pay more for my legal services because of my agreement with LRS.**
- (h) I understand that I have the right to refuse a case after the initial consultation. If I decide not to render additional services, I will advise the client and will refer the client back to

the LRS Program. I will also inform the LRS program of this decision via communication with the LRS staff and/or using the LRS Response form.

- (i) I will proceed with due diligence on and will not neglect any matter referred by LRS, including the completion and return of the Program's LRS Response forms within seven (7) days of receipt in conjunction with each client referral.
- (j) I will contact the LRS program and provide notice of temporary or permanent removal from the service due to vacation, leave, sickness, etc. I will also inform the LRS program of any changes in my legal panel selections or my contact information.
- (k) I will notify the LRS program of any changes to my status/standing with the State Bar of Arizona or to my professional liability insurance within fourteen (14) days.
- (l) I understand that the LRS program will conduct client satisfaction surveys that include questions about the services I have provided. I also understand that assurances of clients' anonymity is a vital component of the survey process, and that I will receive survey results without identifiable client information.
- (m) I agree to fully cooperate with the LRS program in assessing any formal or informal complaints made against me by a client that the Committee determines warrant further review or investigation.
- (n) I will abide by all decisions of the Committee, subject to approval by the PCBA Board of Directors, with regard to application procedures and continued eligibility as a panel member of LRS.
- (o) I agree to abide by all of the LRS policies and indemnify and hold harmless the PCBA from any and all claims, demands, actions, liability or loss which may arise from, or be incurred through, any negligence or conduct that causes damage to a client referred by LRS. I also waive any and all claims against PCBA for loss arising from LRS operations and policies.

V. QUALITY ASSURANCE PROCEDURES

The LRS program is a service to the public and functions to assure professional service and sensitivity to the concerns of both clients and attorneys. Feedback from both clients and attorney panelists is welcomed.

Quality control of the LRS program is vested in the LRS staff, Executive Director of PCBA, and the LRS Committee.

THE CLIENTS: Feedback & Complaints

5.1 There are two ways by which the LRS program may receive feedback or complaints from clients: (a) LRS Client Feedback Surveys (directed by the LRS program), and (b) Self-initiated Client feedback (directed by the client).

5.2 LRS CLIENT FEEDBACK SURVEYS. The LRS program regularly conducts client follow-up or feedback surveys with a sample of clients who indicate during their initial contact with the LRS program that the LRS staff may contact them at a later time to follow-up and inquire about their experience.

- The feedback survey information is collected by phone to assess any client concerns with LRS staff or the service provided by the referred attorney. The information is used for informational purposes only to make alterations in the LRS Program if considered necessary by the Committee.
- Survey data collection procedures are designed to assure that the LRS staff member who initially responded to and assisted the client is not the staff member who collects that same client's feedback information.
- Attorney panelists receive copies of client feedback comments that pertain to them, whether positive or negative.
- Assurances of clients' anonymity when later presenting their comments to attorneys is a vital component of the survey process; enabling clients to provide more accurate and revealing

self-perceptions of the services provided by referred attorneys. Therefore, copies of survey results sent to attorneys are presented without identifiable client information.

5.3 SELF-INITIATED CLIENT COMPLAINTS. Such complaints are when a client directly initiates contact with the LRS program via phone, email, or letter about his or her negatively-perceived experience with the service and/or the referred attorney.

5.4 RESPONDING TO CLIENT COMPLAINTS. Whether responding to complaints within the feedback survey or those self-initiated by the client, the LRS program will handle all client complaints in a courteous and responsible manner. The LRS staff and/or PCBA Executive Director will initially handle and attempt to informally remedy client complaints.

- THE CLIENT. Every client with a complaint will be informed of potential steps to resolve or alleviate the complaint. These steps include:
 - (a) Providing an additional or future referral at no charge
 - (b) Reimbursing the client's pre-paid referral fee
 - (c) Referring the client to the State Bar of Arizona to file a formal complaint if the matter involves the Rules of Professional Conduct
 - (d) Offering to speak directly with the attorney or staff member about the client's complaint
 - (e) Offering to present the client's specific complaint to the Committee for further formal review.

Efforts will be taken to accommodate the client's preference or chosen means of resolution among those presented. If steps (d) or (e) above are chosen, then the client must either consent to being identified or opt for anonymity, if possible. In some cases, the LRS Committee Chairperson may be included to assist with informal contacts with attorney panelists about recent client complaints. All complaints and the steps taken to resolve them will be noted and documented by LRS staff.

- THE ATTORNEY PANELIST. Upon receipt of self-initiated client complaints and/or the completion of a monthly set of feedback surveys, the LRS staff and PCBA Executive Director will review the client comments and determine if any complaints warrant further review by the LRS Committee. Such complaints may include:

- (a) A Self-initiated complaint that the client has requested go before the Committee
- (b) Any feedback survey response that clearly violates the LRS program rules (e.g., re-referring a client's initial consultation to another attorney)
- (c) A *pattern* of similar negative comments made by multiple clients about a single attorney (e.g., repeated, multiple reports of rudeness)

Attorney panelists receive copies of all written comments and complaints made towards them, and may provide a written response that will also be shared with the Committee. During the review, the Committee will determine if further investigation, communication with the attorney, or formal action is to be pursued.

THE PANEL: Suspension & Removal of Panelists

- 5.5 If an attorney requests temporary or permanent suspension of selected legal panel areas or LRS membership, the LRS Coordinator will change the status accordingly.
- 5.6 The Committee has full authority to make decisions necessary to the LRS program's operation and rules. These decisions include temporary or permanent suspension of attorney membership in accordance with the LRS Quality Assurance Procedures.
- 5.7 An attorney may be denied LRS panel membership or suspended from the panel by the LRS Coordinator or Executive Director if the attorney fails to:
 - (a) Complete and return the yearly LRS panelist application form
 - (b) Pay annual LRS membership fees or percentage fees of collected payments from LRS-referred clients.

- (c) Carry current liability insurance and submit proof to the LRS program
- (d) Complete and submit any LRS Response forms following LRS client consultations.

The attorney will be notified within five (5) working days of the action and the reasons therefore. Any attorney denied membership or suspended under Rule 5.7 may apply to the LRS Coordinator or Executive Director for membership or reinstatement upon evidence of fulfillment of the requirements.

- 5.8 An LRS applicant or panel member may be denied registration or suspended from the panel by the LRS Committee, as determined by a majority of the Committee members, for good cause that includes but is not limited to:

- (a) Consistent unavailability or refusal to accept appropriately-referred clients without good cause
- (b) Record of failure to keep appointments with referred clients
- (c) Re-referral of LRS-referred clients to other attorneys (including to other members of the same firm)
- (d) Consistent or excessive complaints from referred clients
- (e) False certification
- (f) Institution of criminal charges involving moral turpitude, theft, embezzlement, or fraudulent appropriation of property
- (g) Suspension, disbarment, ethical censure or resignation from the practice of law
- (h) Failure to maintain the standard or eligibility, qualification, and compliance as set forth in this Statement of Standards and Rules
- (i) Any other conduct determined unprofessional, that reflects negatively on the PCBA, or is otherwise incompatible with the mission of LRS.

If the LRS Committee denies membership, suspends or removes an attorney, the Committee shall convey its reasons to the attorney. In turn, the attorney will be offered the opportunity to make a written or oral response at the next regularly scheduled LRS Committee meeting. If the Committee still fails to grant panel membership or refuses to change its

intentions to revoke or suspend a panel member, the Committee will provide the attorney with a written statement of its reasons within 30 days of the meeting.

- 5.9 APPEALS. The decision of the Committee may be appealed to the PCBA Board of Directors for review of that decision. The appeal must be made in writing within 30 days of notice of termination or suspension, to the PCBA Executive Director, who will inform the Board of Directors and the Committee Chairperson. The decision of the Board of Directors will be reported to the complainant by the PCBA President within 30 days. The initial decision by the LRS Committee will remain in force until and unless it is overridden by the PCBA Board of Directors.
- 5.10 No preferential treatment will be given to members of the PCBA Board of Directors or the LRS Committee who participate as LRS panelists. If the performance of a Committee member or Board member is subject to review and potential panel suspension or removal, then that member must remove him- or herself from the decision-making responsibilities of the Committee and/or Board of Directors, if applicable.

VI. PUBLICITY OF PROGRAM

- 6.1 The LRS Program will be publicized by such means and to such extent as may be determined by the Committee. Publicity forums used to promote the LRS Program may include distributed pamphlets, online information, yellow pages advertising, referrals from other governmental, consumer and nonprofit agencies, and other promotional activities as they may arise.
- 6.2 No publicity about the service shall identify a particular lawyer participating in it. This, however, shall not prohibit a participating lawyer from acting as a spokesperson for the LRS Program if so authorized by the Committee.
- 6.3 The LRS Program shall make specific arrangements with legal aid programs, criminal justice agencies, hospitals, jails, courts, employers and other public and private agencies and institutions in the area served by LRS to assure the use of the LRS program by persons inquiring through such agencies and institutions.