

RULES AND PROCUDURES OF THE BAR ASSOCIATION OF METROPOLITAN ST. LOUIS LAWYER REFERRAL AND INFORMATION SERVICE

I. PURPOSE

The purpose of the Lawyers Referral and Information Service is as follows:

A. To establish procedures through which a person may be referred to a lawyer who is able to render and is interested in rendering legal services on a basis that takes into consideration the client's ability to pay and the type of legal problem;

B. To promote high standards of practice and encourage the highest quality of legal services.

II. REQUIREMENTS OF LRIS PANEL MEMBERSHIP

Upon application an attorney will qualify for listing on the panel providing he/she meets the following requirements:

A. Is a member in good standing of The Missouri Bar.

B. Is engaged in the full-time private practice of law. If you are not engaged in a full-time private practice of law, submit a short statement showing your ability to meet with clients during regular working hours and your flexibility in making court appearances. The LRIS Committee may waive the requirement of full-time private practice. Attorney will be asked to come into the office for orientation with LRIS staff on LRIS procedures.

C. Maintains a law office which is clearly identifiable to the public as such, separate and distinct from any other business or residence, unless both are within a building architecturally designed to completely separate the residential or other business from the LRIS attorney's law office area. An individual who does not comply with the preceding sentence must arrange to meet with clients in a law office to be used to have the initial consultation with clients referred by the LRIS and provide to the LRIS in writing the name and address of the law office to be used to have the initial consultation with clients referred by the LRIS.

D. Selects subject matter panels established by LRIS by combining related types of cases. The attorney's selection must reflect the types of cases he/she presently handles, in which he/she has experience,

and for which he/she can represent a client competently as required by the Rules of Professional Conduct. By selecting a panel, the attorney warrants that he/she is competent to represent someone in that field of practice.

E. Experience Panels: To be listed on an Experience Panel, an attorney must further certify he/she meets the following additional requirements:

1. An attorney may select an Experience Panel and receive referrals provided one of the following requirements is met:

a. The attorney certifies that he/she has handled to completion ten cases of the type listed within the last five years; or

b. Twenty-five percent of his/her practice has been of those types of cases the attorney has been in practice for more than a year.

2. If an attorney cannot meet the standards set forth in Paragraph 1 above, he/she will be given an opportunity to demonstrate to the LRIS Committee alternative qualifications. Other such qualifications may include special law school, graduate or post-graduate studies, teaching experience, continuing legal education, maintenance of a library of relevant source materials, past experience with a relevant government body, or preparation of a publication dealing with the subject area.

F. A panel member shall be required to recertify annually his/her compliance with the above standards.

G. An attorney who is denied a panel classification of his/her choice or removed or suspended from a panel, will have available the procedure of reconsideration and appeal as outlined in III.B. below.

H. Is covered by professional liability insurance. You must provide LRIS with the name of the company and expiration date. Minimum coverage of \$100,000 per occurrence and \$300,000 aggregate per year is required. A lawyer will be removed from the panel upon expiration of coverage if proof of new coverage is not provided to LRIS.

I. Agrees to pay the annual LRIS registration fee of \$150 for BAMSL members or \$445 for non-BAMSL members.

J. Agrees to grant an initial consultation by the panel member of up to one-half hour for an administrative fee of \$30. The attorney will make a good faith effort to collect the \$30 from the client if the consultation is in person or to remind the client to pay if the consultation is provided by phone. The attorney will remit to the LRIS a referral fee of 10 percent of fees paid and collected on LRIS cases generating fees of \$200 or more. The \$30 fee is waived by LRIS in workers' compensation, SSD/SSI and personal injury cases, but the 10 percent referral fee is due when paid and collected.

K. Agrees to charge for further service for the client in accordance with the attorney's normal fees and in keeping with the objectives of the LRIS and the client's ability to pay. And further agrees that the attorney cannot increase his or her fees to compensate for the 10 % referral fee he or she must remit to LRIS.

L. If a law, statute or regulation provides for a maximum fee to be allowed as and for attorney's fees, then the referring attorney must report the total amount collected for his/her client and the total fees charged and collected by him/her.

M. Grants all clients referred by the LRIS a consultation in his/her office as soon as practicable after the request is made unless such consultation conflicts with his/her professional responsibilities.

N. Agrees to treat all referred clients in a responsive, courteous and professional manner.

III. INTERNAL OPERATION OF LAWYERS REFERRAL AND INFORMATION SERVICE

The internal operation of the Lawyers Referral and Information Service will be under the direction of the Executive Director of The Bar Association of Metropolitan St. Louis.

By signing the application for the Lawyers Referral and Information Service of the Bar Association of Metropolitan St. Louis, each panel member agrees to abide by all the rules of the LRIS and in no event to hold LRIS or any of its officers, members or employees liable for the operation or use of the information contained in his/her application.

A. The LRIS Director is empowered to temporarily suspend any panel member for any violation of rules or regulations covered herein or excessive complaints from referred clients. This temporary suspension shall be informal and need not

be in writing. An appeal of the suspension will be to the full committee.

B. If the LRIS Committee fails to approve a prospective panel member after consideration of his/her application and disciplinary record or moves to remove or suspend a panel member, the attorney concerned will be notified in writing of the Committee's intention and reasons therefore and will be offered the opportunity to make a written or oral response at the next LRIS meeting. Committee action affecting the LRIS membership of any lawyer can be appealed to a two (2) member Committee consisting of the President and another member of the BAMSLE Executive Committee. In the event it is brought to the attention of the LRIS staff that it imperative that a panel member be immediately suspended, the LRIS office can temporarily suspend a panelist with the matter referred for full consideration of the LRIS Committee.

C. Each panel member agrees to binding arbitration by a neutral for any dispute concerning LRIS rules or fees due LRIS arising from a referral.

D. A panel member who has been removed can, with the approval of the LRIS Committee, be reinstated.

E. A panel member can withdraw from panel membership upon written notice to LRIS but is not entitled to a refund of his/her fee, and is not relieved of his/her duty to dispose of, in accordance with standard practices, any pending case or any obligation incurred during membership.

F. The Service reserves the right to decline to make the facilities of LRIS available to any person to the extent it may do so under the law.

G. Operation of the Panel – Referrals will be made to members of the panel in rotation, in the geographic area closest to the client's home or business if requested. Participating attorneys will accept any referral client for an initial interview in those areas of the laws they have indicated in their applications. Should any referral give rise to a conflict, the participating attorney will contact LRIS, obtain a new reference for the client and cooperate in assisting the referred client to obtain legal consultation. Nothing in the LRIS operation plan will be construed to obligate a panel member to accept employment beyond the initial consultation. A participating attorney who rejects initial referrals without good cause will be moved to the bottom of the referral list. In the case of rejections of referrals

without good cause, an attorney may be suspended or removed from the Panel, after a hearing on reasonable notice and an opportunity to be heard, by a majority of all members of the Committee present, with a right of appeal to the Executive Committee of BAMSL.

I. Referral Procedures – LRIS will maintain procedures to assure that referrals are made in a fair and impartial manner to all panel members. LRIS has designed procedures to respond to all known circumstances of the client, including the subject of the legal problem presented, geographical convenience of the client, language needs, special needs due to disability and ability to pay for desired services. The referral client, to the extent feasible, shall be informed of the rule of LRIS and of the fact that any fee for services beyond initial consultation would be between client and attorney.

J. Acknowledgment and Report of Referrals – The participating attorney shall receive a referral sheet by fax or mail the same day the referral is made. This referral sheet must be returned within fifteen days. The attorney will receive a Case Status and Statement of Fees report every quarter. This report must be returned within thirty days. The attorney will receive an annual report of all cases referred in the previous calendar year to report any change in status. This report must be returned with the quarterly report with which it was sent. Failure to return the above reports within the time specified may justify LRIS in removing the attorney's name from the panel. Nothing in this plan will require any attorney to violate the attorney-client privilege. Payment of a reinstatement fee of \$50 for each delinquent report is required before the attorney may resume receiving referrals.

K. Additional Panels - The Committee may establish such separate panels and sub-panels, including reduced fee and no fee panels, as it decides is appropriate and consistent with the purposes and objectives of LRIS.

L. Records and Review - LRIS will keep on file a confidential record of all referrals and reports of participating attorneys which will be subject to examination and inspection by the Committee and officers of BAMSL.

M. Client satisfaction surveys will be mailed to each person referred to an attorney. Responses indicating dissatisfaction with the attorney, the service or its employees shall be investigated and appropriate action taken. Survey and investigation

results will be kept in a confidential file which will be subject to examination and inspection by the LRIS Committee, the Executive Committee of BAMSL and the attorney involved.

N. Publicity - LRIS will be publicized in such manner and to such extent as will fulfill its purposes and objectives, and as is consistent with the Code of Professional Responsibility.

O. Amendment - The rules and procedures for LRIS set forth in this plan may be amended by majority vote of the Committee so long as any amendment is consistent with the purposes and objective of LRIS, and upon recommendation to and approval of the Executive Committee of BAMSL.

IV. COMMITTEE

The President of BAMSL shall appoint the LRIS Committee Co-Chairs.

V. LRIS INCOME

The income to Lawyers Referral and Information Service may be used for the following purposes:

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

C. Support of activities designed to advance the science of jurisprudence, improve the administration of justice, or aid in relations between the bar and the public.

VI. REDUCED FEE PANELS

A. OBJECTIVE: The primary purpose of Lawyers Referral and Information Service is to refer any person who needs legal services to a qualified attorney. Many of the people who come to our offices are above Legal Services financial guidelines, but are unable to pay standard attorney's fees. Some of these people work for minimum wage or only work part-time. Some are senior citizens on fixed incomes. LRIS recognizes that a clear need exists to provide the public with easier access to a LRIS attorney responsive to a client's income range. Therefore, LRIS has established two Reduced Fee Panels: one for Wills only and a General Panel for

all other cases. An attorney can sign up for either or both panels.

B. CLIENT ELIGIBILITY: A client's eligibility for reduced fee services will be governed by the following breakdown of total family income.

<u>Number in Family</u>	<u>Gross Family Income is less than</u>
A single individual	\$ 10,891.25
2 persons	14,735.00
3 persons	18,578.75

Initial screening to determine a client's eligibility for a reduced fee referral will be handled by LRIS staff in our office. If further inquiry by the panel attorney reveals that the client is not eligible for a reduced fee, the attorney is not required to accept the case or may accept the case on a regular fee basis if the client agrees.

C. GENERAL REDUCED FEE PANEL

1. **Membership:** Any lawyer who is a member of LRIS is eligible for membership on the reduced fee panel. Membership will be voluntary. An attorney should receive one or two reduced fee referrals each year. Reduced fee referrals will be made in those categories of law listed on an attorney's application or renewal. The LRIS staff will determine if a matter is subject to contingent fee arrangement and treat such matters as regular referrals.

2. **Waiver of Consultation Fee:** LRIS will waive the \$30 fee for the initial one-half hour consultation.

3. **Implementation:** The reduced fee panel will be listed in a separate file in the LRIS office, but each attorney's regular record will remain in the LRIS file for regular referrals. All types of legal problems will be handled through the reduced fee program. The most frequent requests for LRIS referrals involve domestic relations, bankruptcy, traffic violations and license suspension and misdemeanor violations.

4. **Attorney Compensation:** Attorneys participating in the reduced fee panel agree to charge a maximum fee not to exceed \$50 per hour *and* to arrange installment payments if the client requests. The maximum retainer is \$75 plus court cost deposit. A non-contested dissolution or bankruptcy presumably could be handled in the range of \$250 - \$500. It is expected that the attorney will base his/her fee on the client's ability to pay. LRIS staff will explain the fee guidelines to the client and that the client will have to advance the court costs. If the attorney and client cannot work out an acceptable fee arrangement

arrangement, there is no obligation on the part of either, and the client will be referred back to LRIS. All fee agreements should be in writing. If, during the time of rendering of legal services, the client's financial circumstances improve so that the client would no longer be eligible for the reduced fee, the attorney may bill future services at his or her standard fee. It is necessary that the client understand from the beginning that the reduced fee is contingent upon continued financial eligibility.

D. WILLS REDUCED FEE PANEL

1. There is a need for attorneys willing to counsel elderly persons who have limited income but who own real estate or personal property. LRIS staff will screen for client eligibility and set up the referral over the telephone. LRIS will waive the \$30 initial one-half hour consultation fee for those referrals.

2. This program is designed for simple wills. The attorney agrees not to charge more than \$50 for a simple will for an individual or \$75 for a couple. If other legal services are desired, the maximum fee is \$40 per hour. It is important that the client has a clear understanding of the fee before any documents are prepared.