



**Guidelines Governing the  
Mecklenburg County Bar of the 26<sup>th</sup> Judicial District  
Lawyer Referral Service  
Approved by the MCB Board on May 22, 2014**

**I. Purpose Statement**

The purpose of the Mecklenburg County Bar of the 26<sup>th</sup> Judicial District (“MCB”) Lawyer Referral Service (“LRS”) is to identify the most appropriate resource(s) for people with legal needs (“Clients”) and when applicable, provide those who can afford to pay an established reasonable fee to a referred lawyer who shall provide a consultation.

In order to maintain American Bar Association (“ABA”) certification, the LRS shall operate in compliance with the ABA model rules of operation of a lawyer referral service. (For more information go to [www.americanbar.org/groups/lawyer\\_referral](http://www.americanbar.org/groups/lawyer_referral).)

**II. The LRS Committee**

The purpose of the LRS Committee is to oversee the ABA-approved program.

**A. Committee Responsibilities**

1. The Committee shall oversee the LRS program and its activity consistent with these Guidelines (“Guidelines”) and the MCB Bylaws.
2. Committee leadership should consist of a chair and vice chair who, in conjunction with the LRS Director and LRS staff (“Staff”), shall plan and prepare for the Committee meetings.
3. The Committee is responsible for reviewing program information and financial updates provided by Staff at each Committee meeting.
4. The Committee reserves the right, at its discretion, to audit referral and payment history of Panel Members. This applies to current Panel Members as well as former Panel Members still owing fees to the LRS.

**B. Committee Composition:** The LRS Committee shall consist of at least nine (9) members in addition to the chair and vice chair.

1. The majority of the Committee members shall be Panel Members as defined in Section III, Panel Membership.
2. Up to one-third (1/3) of the Committee may consist of practicing lawyers who are not Panel Members.
3. Up to two (2) additional Committee members may be non-lawyers.

**C. Committee Appointments:** The chair, vice chair and Committee members shall be appointed annually by the MCB President.

**D. Committee Terms of Service:** Each Committee member shall serve one three-year term defined by classes and no member may be eligible to serve a consecutive three-year term. The chair and vice chair shall each serve a one-year term with the expectation that the vice chair is to become chair if appointed by the MCB President. Any exceptions to the Terms of Service must be approved by the MCB President.

**E. Committee Meetings and Member Attendance:**

1. The Committee shall meet at least five (5) times a year.
2. When a Committee member has failed to attend in-person three (3) consecutive meetings or one-half of the meetings held during any twelve-month period, membership shall be subject to termination.
  - a. The Committee member shall be notified and given an opportunity to explain.
  - b. Before membership is terminated, the Executive Committee must be notified.
  - c. The MCB President has the authority to remove any Committee member.

**III. Panel Membership and Member Responsibilities**

The LRS shall have a panel of lawyers (“Panel”) who have agreed to accept LRS client referrals. Each member of the Panel shall be a (“Panel Member”).

**A. Requirements to Join the Panel:** The Panel Member shall adhere to the LRS Guidelines (“Guidelines”) as described in this document and must meet the following requirements:

1. Be a member of, and in good standing with, both the North Carolina State Bar (“NCSB”) and the MCB;
2. Maintain professional liability insurance in the minimum amount of one hundred thousand dollars (\$100,000.00) or the amount set by the Committee prior to July 1, the beginning of the MCB fiscal year;
3. Complete and submit the annual membership application identifying geographical areas served and selected subject areas of law; and
4. Submit the signed application to Staff with the nonrefundable, annual membership fee of one hundred fifty dollars (\$150.00), which includes referrals in two areas of law and unlimited subsections within each selected area of law. A Panel Member may select additional subject areas of law for a fee of fifty dollars (\$50.00) each.

**B. Eligibility:** Under certain circumstances, Panel applicants may have to meet additional eligibility conditions.

1. Prior to receiving any referrals, any Panel applicant engaged in active legal practice for less than two (2) years must be assigned a Panel Member mentor (“Mentor”). The Mentor must have at least five (5) years experience in the subject areas of law for which the Panel applicant has selected. If the Panel applicant has a mentor through the MCB Linking Lawyers program who meets the above criteria, this condition may be waived.
2. If the Panel applicant has received an order of public discipline from the NCSB within the last three years the following steps shall apply.
  - a. Staff shall notify the Panel applicant that the order of public discipline or disciplinary measure shall be reviewed by the Committee prior to being accepted for membership.
  - b. Within thirty (30) days of Staff receiving the membership application, the Panel applicant shall be given an opportunity to submit a written statement for the Committee's consideration.
  - c. The Committee shall consider all relevant factors in determining whether the Panel applicant should be permitted Panel Membership including, but not limited to, the findings of the NCSB, the time elapsed since the discipline, the subject areas for which the lawyer has applied, and the lawyer’s general experience and reputation.
  - d. After the Committee has made a decision based upon a majority vote, the Committee shall submit a statement, along with any other supporting documentation, to the Executive Committee for its review and ultimate approval. The Committee may call upon the Executive Committee for advice at any point in this process.

### **C. Panel Member Responsibilities**

1. The Panel Member shall be accessible to Staff and Clients.
2. The Panel Member shall notify Staff in writing if unavailable for consultations for an extended or indeterminate period of time of one week or more.
  - a. Upon receipt of such notification, Staff shall temporarily remove the Panel Member from the referral rotation.
  - b. When the Panel Member notifies Staff of renewed availability, the Panel Member shall be returned to referral rotation.
3. The Panel Member shall notify Staff of any changes to the subject areas of law accepted and/or geographic areas selected as indicated on the Panel Membership application.
4. The Panel Member shall inform the Client of any additional fees if the initial consultation extends beyond thirty (30) minutes.
  - a. In keeping in the spirit of the LRS, Panel Members shall adhere to Rule 1.5(a) of the North Carolina Rules of Professional Conduct and not charge a clearly excessive fee.
  - b. Any dispute which may arise in connection with the amount of the Panel Member's fee may be referred to the MCB Fee Dispute Resolution Committee. The Fee Dispute Resolution Rules and Regulations and North Carolina Rules of Professional Conduct apply in these circumstances.
5. A Panel Member shall accept all referrals except where the Panel Member has a conflict of interest. A Panel Member who rejects a referral may be rotated to the end of the list.
6. The Panel Member shall associate qualified co-counsel or refer the Client back to the LRS if the Panel Member cannot assist the Client or does not have the necessary experience or expertise.
  - a. Before associating qualified co-counsel, the Panel Member must procure that counsel's written consent to be bound by the LRS reporting and fee agreement requirements.
7. If the Panel Member associates co-counsel, the Panel Member shall be fully responsible for the submission of all reports to the LRS and the payment of all referral fees and commissions to the LRS regardless of any fee sharing agreement with the co-counsel.

**D. Panel Member Reporting Requirements:** Reports are an essential component of the LRS program. Therefore, it is imperative that Panel Members are responsive to all LRS requests for information.

1. Status Reports

Within thirty (30) days of the initial consultation, the Panel Member shall return a copy of each consultation confirmation report ("Status Report") which includes the status of the referral to the LRS.

  - a. Twenty-five dollars (\$25.00) shall be remitted to the Panel Member within thirty (30) days of the LRS receiving the Status Report.
  - b. Any Panel Member who fails to render Status Reports within thirty (30) days may not qualify for receipt of remittance fees and may be temporarily removed from rotation.
2. Additional Reports
  - a. Quarterly Reports:
    - i. The Panel Member shall receive from Staff a list of all open LRS referrals every quarter.
    - ii. The Panel Member shall update the status of each referral identified and return to the LRS within thirty (30) days of receipt of the quarterly report.
  - b. Other Reports: From time to time, Staff may request other reports from current and former Panel Members identifying any outstanding referrals and any unpaid commissions.

- E. Commissions:** Each Panel Member shall pay to the LRS ten percent (10%) of any legal fee in excess of three hundred dollars (\$300.00) paid by a referred Client.
1. Commissions shall be paid no later than thirty (30) days after the Panel Member receives the client's fee or settlement proceeds in a case in which the initial fee is waived.
  2. If a Panel Member receives multiple Client fee payments in a referred matter, ten percent (10%) is applied to each payment after the first three hundred dollars (\$300.00).
  3. A typical example of a commission payment is as follows:
    - a. The Panel Member receives the first payment in the amount of five hundred dollars (\$500.00). Twenty dollars (\$20.00) will be owed to the LRS for commissions. ( $\$500 - \$300 = \$200 \times 10\% = \$20$ ); and
    - b. Should another payment be received on the same case, ten percent (10%) of the full amount is due to the LRS.
- F. Disclaimer:** Panel Members shall in no event hold or claim to hold the LRS, the MCB, the Committee or any of its officers, members, or employees liable in connection with the operation of the LRS, or use of information contained in a completed application.

#### **IV. Suspension or Removal from Panel Membership**

- A. Reasons for Review:** The Committee may remove a Panel Member from rotation, temporarily suspend or remove from Panel Membership at any time for any of the following reasons:
1. Receipt of an order of public discipline from the NCSB while serving on the Panel;
  2. Conviction or indictment of any felony or any criminal charge involving moral turpitude, theft, embezzlement, or fraudulent appropriation of money, or pending resolution of any of these charges;
  3. Failure to maintain professional liability insurance at the required level;
  4. Falsification of data required by the LRS and the LRS Committee;
  5. Failure to pay annual membership fee and/or commissions;
  6. Failure to complete and return any report or form required by the LRS;
  7. Failure to maintain the requirements for Panel Membership;
  8. Violation of any rules or regulations of the LRS, the MCB, or the NCSB; or
  9. Consistent failure to be accessible to Clients and Staff.
- B. Procedure for Review:** Upon becoming aware of any reason for review as defined above, the Committee shall meet and make a recommendation to the MCB Executive Committee if the recommended action is to remove the member from the Panel.
1. The Panel Member shall be notified that their membership is being reviewed by the Committee and has thirty (30) days to respond in writing. The written response from the Panel Member shall be considered by the Committee.
    - a. During the procedure for review, the Panel Member shall stop receiving referrals from the LRS.
    - b. Should the Panel Member not provide a written response within thirty (30) days, the Committee shall use the available information for consideration.
  2. A Panel Member desiring reinstatement shall be required to apply for Panel Membership.

## **V. Referral Service Procedures**

### **A. Referral Process**

1. A prospective Client shall be screened initially, either in-person or by telephone, by Staff or an LRS intern and referred to a Panel Member.
2. Each Client shall pay a consultation fee of fifty dollars (\$50.00) collected by Staff prior to receiving a referral to a Panel Member for up to a thirty (30) minute consultation. The LRS Committee encourages the initial Panel Member consultation with the client to be in-person when feasible. The fifty dollar (\$50.00) consultation fee may be waived for the following reasons:
  - a. If the Client requests a lawyer in the subject areas of law of bankruptcy, medical malpractice, negligence, personal injury, premises liability, product liability, property damage, slip and fall, social security disability, traffic, workers' compensation, and wrongful death; or
  - b. If the LRS is contacted by a lawyer outside of North Carolina who is seeking a referral for a Client or seeking assistance from local counsel on a particular matter.
3. Panel Members shall be selected on a rotation basis within the subject areas of law in which the Client desires services. Possible exceptions include:
  - a. An existing conflict of interest; or
  - b. Geographic preferences of the Client.
4. An electronic notification shall be automatically generated and sent to the Panel Member for each referral made.

### **B. LRS Staff Responsibilities**

1. No referral shall be made or rejected on the basis of race, sex, age, religion, disability or national origin or any other unlawful discriminatory basis.
2. If Staff ascertains that a Client being interviewed is presently represented by a lawyer in the matter for which they are seeking a consultation, Staff shall not make a referral.
3. If the Client has been previously represented by a Panel Member, Staff shall endeavor to refer the Client to the same Panel Member, unless otherwise noted by the Panel Member.
4. Staff shall not give legal advice to a Client nor provide the Client with any information concerning legal fees, other than the LRS consultation fee.
5. From time to time, Staff will conduct surveys of Clients and/or Panel Members. Summaries of survey findings may be shared with the Committee and Panel Members, specifically noting any recommendations or areas needing improvement.
6. Staff shall keep a file of all referrals, related statuses and quarterly reports of Panel Members that may be subject to examination and inspection by the Committee and the MCB Board of Directors.