



## Lawyer Referral Service Guidelines

Approved by the MCB Board on December 5, 2019, Effective January 1, 2020

### I. Purpose Statement:

The purpose of the Mecklenburg County Bar (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 for legal services a referral to one or more North Carolina licensed and insured lawyers.

In order to maintain American Bar Association (ABA) certification, the LRS shall operate in compliance with the ABA Model Rules for Governing Lawyer Referral and Information Services.

### II. Panel Membership and Responsibilities:

The LRS shall have a panel of lawyers (Panel) who have agreed to accept LRS client referrals and adhere to these Guidelines.

#### A. Panel Member Eligibility and Requirements: The Panel Member shall:

1. Be in good standing with both the North Carolina State Bar (NCSB) and his/her judicial district bar.
2. Maintain professional liability insurance in the minimum amount of one hundred thousand dollars (\$100,000.00).
3. Update his/her member record on [www.MeckBar.org](http://www.MeckBar.org) to reflect his/her current professional liability insurance information, contact information, practice areas, geographic areas, and other referral-related fields.
4. Submit an acknowledgment of these Guidelines to Staff.
5. Join the Panel for a minimum of three-month increments.
6. Pay the required Panel Membership Fees, which will be billed in three-month increments and are as follows:
  - a. MCB Member Rate: \$65 per month or \$715 per year;\* or
  - b. Non-Member Rate: \$90 per month or \$990 per year.\*

*\*The annual commitment reflects one free month of Panel Membership.*
7. Be assigned a Panel Member mentor if he/she has been practicing for less than two (2) years. The mentor must have at least five (5) years' experience in the practice areas 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.
8. Disclose any order of public discipline from the NCSB. If Staff becomes aware of any public disciplinary history, the following steps shall apply:
  - a. Staff shall notify the Panel applicant that the order of public discipline shall be reviewed by the MCB Executive Committee prior to being accepted for Panel Membership.
  - b. Thereafter, the Panel applicant shall be given an opportunity to submit a written statement for the Executive Committee's consideration.

- c. The Executive 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 practice areas for which the lawyer has applied, and the lawyer's general experience and reputation.
9. Some practice areas, including Bankruptcy, Criminal Law, and Family Law, may have additional eligibility requirements that will be verified by Staff.

**B. Panel Member Responsibilities:** The Panel Member shall:

1. Be accessible to Staff and Clients.
2. Update his/her preferences in his/her online member record if unavailable for consultations for an extended or indeterminate period of one week or more to be temporarily taken out of the referral rotation.
3. Update his/her online member record with any changes to the practice areas accepted and/or geographic areas served.
4. Adhere to Rule 1.5(a) of the North Carolina Rules of Professional Conduct and not charge a clearly excessive fee. Any dispute arising in connection with the amount of the Panel Member's fee shall be referred to the NCSB's Attorney-Client Assistance Program.
5. Associate qualified co-counsel or refer the Client back to the LRS if the Panel Member cannot assist the Client, has a conflict of interest, or does not have the necessary experience or expertise.

**C. Disclaimer:** Panel Members shall in no event hold or claim to hold the LRS, the MCB, the Executive Committee or any of its officers, members, or employees liable in connection with the operation of the LRS.

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

**A. Reasons for Review:** The MCB Executive 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;
5. Failure to complete and return any report or form required by the LRS;
6. Failure to maintain the requirements for Panel Membership;
7. Violation of any rules or regulations of the LRS, the MCB, or the NCSB; or
8. Consistent failure to be accessible and/or professional with Clients or Staff.

**B. Procedure for Review:**

1. Upon becoming aware of any reason for review as defined above, the Executive Committee shall meet and discuss the reason for review and determine whether to:
  - a. First allow the Panel Member the opportunity to respond or
  - b. Make an immediate recommendation for the Panel Member's removal from the program.
2. If the Executive Committee does not make an immediate recommendation of removal, Staff shall notify the Panel Member in writing via certified mail that he/she is under review by the Executive Committee and allow the Panel Member thirty (30) days to submit a written response.
  - a. During the review period, the Panel Member shall be suspended from the LRS referral rotation.

- b. Should the Panel Member not provide a written response within thirty (30) days of notice, the Executive Committee shall use the information available for consideration of whether to suspend, terminate, or reinstate Panel Membership.
  - c. If no further action is needed, the suspension shall be lifted.
  - d. The Executive Committee may consider refunding or crediting Panel Membership Fees on a case-by-case basis.
3. A Panel Member desiring reinstatement following his/her removal from the Panel shall be required to reapply for Panel Membership.

#### **IV. Lawyer Referral Service Procedures**

##### **A. Referral Process:**

1. A prospective Client shall submit a form online that automatically provides them a referral to one or more Panel Members. Alternatively, a prospective Client may be screened initially, either in-person or by telephone, by Staff and referred to one or more Panel Members.
2. Panel Members shall be selected on a rotating basis within the practice areas in which the Client desires services. Possible exceptions include language or geographic preferences of the Client.
3. An electronic notification shall be automatically generated and sent to the Panel Member for each referral made. A referral confirmation will also be automatically generated and sent to the prospective Client.

##### **B. LRS Standards:**

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 a Client first contacts Staff and Staff ascertains that the Client is presently represented by a lawyer in the matter for which they are seeking a consultation, Staff shall not make a referral.
3. If a Client first contacts Staff and Staff ascertains that the Client has been previously represented by a Panel Member, Staff shall endeavor to refer the Client to the same Panel Member, unless otherwise requested.
4. Staff shall not give legal advice to a Client nor provide the Client with any information concerning legal fees outside of what the Panel Member has published on his/her online referral profile.
5. From time to time, Staff will conduct surveys of Clients and/or Panel Members. Summaries of survey findings may be shared with MCB leadership and Panel Members, including any recommendations or areas needing improvement.
6. Staff shall keep a record of all referrals that may be subject to examination and inspection by MCB leadership.