Tacoma-Pierce County Bar Association

LAWYER REFERRAL SERVICE

Panel Member Requirements

1. You may apply to the Lawyer Referral Service (LRS) if you are a current member of the Tacoma-Pierce County Bar Association and are an active member of the WSBA in good standing.
2. A panel member or the firm to which you belong must carry and maintain a minimum of $100,000 coverage in professional E&O insurance and *provide documentation of such when making application with timely updates provided to LRS thereafter.*
3. We ask that panel members have a dedicated professional office to meet with referred clients and request that an office address be provided to LRS so we can inform clients when and where their appointment will take place.

TIPS TO COMPLETING YOUR 2014 LRS APPLICATION

- ❍ Only choose areas of practice in which you have experience, not areas for which you will not accept referrals.
- ❍ Include a copy of your professional E&O declarations page.
- ❍ Fill out all sections.
- ❍ Please make sure the LRS staff knows how to reach either you or whomever you delegate to keep your calendar. Because of the time sensitiveness of referrals from the LRS desk, if there is no one available when we attempt to call you to schedule an appointment we will not leave a message but will go to the next available attorney on our list.
- ❍ If there is an area of law not listed on the application in which you are experienced and for which you would like to receive referrals, let us know. (We have provided space for this on page 2 near the end of Section 1.)

KEYS TO SIMPLIFY SUCCESS

- A Lawyer Referral Return Form will be faxed to you with each referral. These forms are to be returned within seven working days of the appointment – this applies to all referrals, including long distance or phone consultations as well as when a client fails to show or cancels an appointment.
- Please keep current with your LRS Reports and send timely E&O coverage updates.
- LRS Percentage Fee Reports and Open Case Reports (OCRs) are sent out twice yearly; January 15 and July 15, and are due within 30 days. Your prompt attention is appreciated.
- Each call received by LRS is screened for whether the client can pay for an attorney or needs low income services. Clients needing low income services for a civil problem are referred to Volunteer Legal Services (253/572-5134) or the CLEAR program (1-888/201-1014). For a criminal problem we refer low income clients to the Public Defender's Office.
- Each call received by LRS is also screened for where (which county) the problem is. Our primary areas of service are Pierce County (and limited Thurston County). Callers usually wish to have their appointments as geographically near to them as possible. Our practice is to refer clients with a problem in other counties to that county's Lawyer Referral Service.

2014
Lawyer Referral Service Application – (1/16/14 thru 1/15/15)

TPCBA Members ONLY!

TPCBA - Lawyer Referral Service

First Tower, Suite 403
621 Tacoma Avenue South
Tacoma, WA 98402
Phone: (253) 383-3432 – Fax: (253) 627-4718

Bar#: _____

Name: _____

Firm Name: _____

Office Address: _____

_____

Mailing Address: _____

_____

Phone: _____Fax: _____

Cell: _____ Email: _____

ABC Messenger Service? Yes ❒ No ❒

Website: _____

PART 1
PANEL SELECTION

Please do not mark more than 5 of the panels listed, excluding the "Other" Panel. (You may choose as many as desired of the subjects listed within each of the panels.) Membership is contingent upon knowledge of that area of law and the basic competence requirements of RPC 1.1.

Administrative Law Panel

- ❒ County Codes
- ❒ Health Department
- ❒ Municipal Codes
- ❒ Adult / Child Protective Services
- ❒ Department of Motor Vehicles
- ❒ WA State Agencies (DSHS / L&I / DOR etc)
- ❒ Professional Licensing
- ❒ School Law
- ❒ Unemployment Compensation

Bankruptcy Law Panel

- ❒ Business Bankruptcy
- ❒ Chapter 7
- ❒ Chapter 11
- ❒ Chapter 13
- ❒ Creditor Claims

Business Law Panel

- ❒ Formation / Dissolution / Sale of Business
- ❒ Lease Agreements / Contracts
- ❒ Non-Profit Business
- ❒ Franchises
- ❒ Business Partnership

Collection Law Panel

- ❒ Civil Collection over $5,000
- ❒ Collection Disputes

Consumer Law Panel

- ❒ Automobile / RV Dealers and Auto Repair
- ❒ Business Complaints / Disputes
- ❒ Uninsured or Excess Insurance Coverage

Contract Law Panel

- ❒ Breach of Contract
- ❒ Drafting Contracts
- ❒ Arts & Entertainment
- ❒ Home / Health / Life Insurance Disputes
- ❒ Insurance Bad Faith

Criminal Law Panel

- ❒ DUI
- ❒ Expungement / Vacate Judgment
- ❒ Felonies - Adult
- ❒ Felonies - Juvenile
- ❒ Misdemeanors - Adult
- ❒ Misdemeanors - Juvenile
- ❒ Traffic Infractions
- ❒ Criminal Appeals
- ❒ Federal Court

Social Security / Disability Law Panel
(No referral fee required. **%** fees apply.)

- ❒ SSD / SSI Denials
- ❒ VA Disability
- ❒ FERS Disability
- ❒ Private Disability

Worker's Compensation / L&I Law Panel

- ❒ State
- ❒ Federal

Elder Law Panel

- ❒ COPES
- ❒ Estate Planning for Elders
- ❒ Medicaid / Medicare

Employment Law Panel

- ❒ Employment Contracts / Severance Package
- ❒ Discrimination / Harassment
- ❒ Wrongful Termination / Discharge
- ❒ FMLA–Family Medical Leave Act
- ❒ Pension / Retirement Plans
- ❒ Wage Claims

Family Law Panel

- ❒ Dissolution
- ❒ Parenting Plans / Custody
- ❒ Child Support / Modification
- ❒ Paternity / Parentage
- ❒ Post Dissolution Matters
- ❒ Non-Parental Custody
- ❒ Adoption
- ❒ Guardianship
- ❒ Dependency / Termination
- ❒ Prenuptial / Partner Agreements
- ❒ Unmarried Couples
- ❒ Same Sex Couples
- ❒ Restraining Orders / DV Protection Orders

Immigration / Naturalization Panel

- ❒ Adjustment / Change of Status
- ❒ Deportation
- ❒ Visa / Naturalization

Intellectual Property Panel

- ❒ Copyright / Trademark
- ❒ Copyright Infringement
- ❒ Patents

Military Law Panel

- ❒ Administrative
- ❒ Crime & Punishment

Real Estate Law Panel

- ❒ Buying / Selling or Leasing Real Property
- ❒ Loan Modifications
- ❒ Foreclosure
- ❒ Property Taxes
- ❒ Land Use / Water Rights
- ❒ Home Owners Association Problems
- ❒ Neighbor Problems and/or Disputes
- ❒ Title and/or Boundary Dispute
- ❒ Utilities and/or Easements
- ❒ Construction / Contractor / Realtor Problems
- ❒ Condominiums
- ❒ Manufactured / Mobile Home Problems
- ❒ Represent Landlord
- ❒ Represent Tenant

Tax Law Panel

- ❒ Business / Corporate
- ❒ Federal
- ❒ State

Torts: Personal Injury Panel
(No referral fee required. % fees apply.)

- ❒ Assault/Battery
- ❒ Legal Malpractice
- ❒ Medical / Dental Malpractice
- ❒ Slip and Fall / Premises Liability
- ❒ Vehicular Collisions

Torts: Personal Injury continued
(No referral fee required. **%** fees apply.)

- ❒ Wrongful Death
- ❒ Product Liability
- ❒ Toxins / Chemicals
- ❒ Interference with Business / Contact
- ❒ Property Damage

Wills & Estates Panel

- ❒ Contesting a Will
- ❒ Drafting a Will
- ❒ Estate Planning
- ❒ Health Care Directive/Living Will
- ❒ Power of Attorney
- ❒ Probate
- ❒ Trust

DISCOUNT Senior Citizen Panel
(Reduced referral fee. **%** fees apply.)

This panel is available for those persons **55** years of age and older seeking assistance from an attorney to prepare the below listed documents. There will be a reduced consultation fee of **$20** in lieu of the normal $35 referral fee.

The client is to be charged the following discounted senior citizen fees: **Simple Will $85 ($150 per couple), Durable Power of Attorney $40, Health Care Directive/Living Will $40, Community Property Agreement $30 and an additional $35 for house calls**.

❒ Yes, I wish to serve on this panel and will do the following:

- ❒ Simple Wills
- ❒ Durable Power of Attorney
- ❒ Health Care Directive/Living Wills
- ❒ Community Property Agreement
- ❒ House Calls

Other

- ❒ Animal Law
- ❒ Restoration of Civil Rights (gun and voting)
- ❒ Securities / Investments
- ❒ Personal Injury / MVA Defense
- ❒ Indian Law
- ❒ Long Distance Matters (see part 5)

Additionally, I am experienced in and will accept referrals for the following area(s) of law (not previously listed on this form)**:**

_____

_____

PART 2
GENERAL INFORMATION

I was admitted to practice law in _____, (year) and have engaged in active practice in Washington since _____, (year).

At the time of this application I am in good standing with the Washington State Bar Association and my membership dues to the Tacoma-Pierce County Bar Association have been paid, or they are included with this application.

YES ❒ NO ❒

I have been disbarred, suspended, reprimanded or have had any other disciplinary action taken against me.

YES ❒ NO ❒

(If yes, please give details on a separate sheet)

PART 3
E&O INSURANCE

I am covered by professional E&O insurance in compliance with LRS Rule III (C) (vii) as set forth by the Lawyer Referral Committee. *(Minimum coverage is $100,000.) See note below.*

Company: _____

Policy #: _____

Amount of Coverage: $ _____

Expiration: _____

NOTE: Applications must include a copy of your E&O policy information sheet or declaration page.

PART 4
AVAILABILITY

My normal business hours are: _____.

When calling to schedule appointments, you should speak with:

_____.

PART 5
SPECIAL SERVICES & SKILLS

I will accept referrals in the following *other* counties:

_____

_____.

I am available for these special services:

❒ Evening Appointments ❒ Visits (Home, Hospital or Nursing Home)

I am fluent in the following languages: _____

_____.

I have staff available to speak the following languages:

_____.

Other than Washington State, I am licensed to practice law in:

_____.

I am willing to assist clients with a long distance phone consultation.

YES ❒ NO ❒

(If yes, be sure to check Long Distance Matters in the "Other" Panel, page 2)

PART 6
CERTIFICATION

I certify that I will:

- **Personally provide a 30-minute consultation to LRS clients without additional charges.**
- Return the LRS referral form *within the required **seven** days of the date of the consultation.*
- **Carry and maintain at least $100,000 E&O insurance coverage** and will provide documentation of such to LRS including the carrier, policy number, amount of coverage, and report immediately, to LRS, any changes in coverage. (LRS Rules & Regulations III (C) (vii)).

  Members are required to provide LRS with updated E&O policy documentation when the current policy lapses.
- **Remit 10% of attorney fees collected from LRS clients to the Tacoma-Pierce County Bar Association LRS Program.** A client remains a client for the duration of the matter referred. I also understand I am personally liable for the 10% of fees actually collected. (LRS Rules & Regulations III (C) (iii) & (iv)).
- **Not increase the cost of services to the client** in order to cover any LRS fees charged. (LRS Rules & Regulations III (C) (v)).
- **Read and agree to abide by the attached Rules and Regulations pertaining to panel membership.**

I also certify:

- **That I have knowledge in the panel subjects marked pursuant to RPC 1.1.**
- That at the time of this application neither the Washington State Bar Association nor its Disciplinary Board have recommended that I be tried for violation of my duties as an attorney, and I agree to inform LRS if at any time it is so recommended.
- And I agree to indemnify the Tacoma-Pierce County Bar Association from any and all claims, liability, or loss incurred through any negligence or intentional misconduct which causes damage to a client referred by LRS. In addition, I waive any or all claims against the Tacoma-Pierce County Bar Association for loss arising from the operation and policies of LRS.

Date: _____

Signature: _____

Additional comments: _____

_____

_____

_____

ATTENTION

Please detach the rules and regulations and keep with your files.

Tacoma-Pierce County Bar Association Lawyer Referral Service
Rules and Regulations

I. Purpose.

The Lawyer Referral Service (LRS) exists to provide legal referrals for members of the public. When appropriate, referrals are made by the LRS staff to attorney members of the LRS panel. The LRS works with other legal service organizations to provide a comprehensive system of information and service.

II. The service.

The LRS is managed by the LRS Coordinator and the Executive Director of the Tacoma-Pierce County Bar. Operational responsibility is delegated to LRS staff that screen potential clients and make referrals to panel attorneys when appropriate. Contact with LRS and any information provided by the caller is confidential. Such communication will not be divulged to anyone outside LRS without the express written consent of the client except in furtherance of client representation.

III. Formation of the Panel.

A. All members of the Tacoma-Pierce County Bar Association who are active members of the WSBA in good standing may become members of the LRS by filing a written application except:

(i) No one is eligible for LRS membership if:

(a) A review committee or disciplinary board of the WSBA recommends that the attorney be tried for or be disciplined for violation of his/her duties as an attorney or,

(b) The attorney has been disciplined by the WSBA for violation of his/her duties as an attorney within a period of one (1) year prior to application in case of a censure or a reprimand, and five (5) years after reinstatement prior to application in the case of suspension or disbarment or,

(c) The Board of Governors requests his/her exclusion from the panel. The exclusion shall terminate if the attorney is exonerated in accordance with the Washington Rules of Discipline of Attorneys.

(ii) The Committee has the power to reject an applicant or to remove him/her from the panel for good cause, subject to review as provided in Section VI. Good cause may be:

(a) One or more substantiated complaints from clients that involve:

1. Failure to pursue the case as promised/scheduled.
2. Failure to communicate case status.
3. Failure to treat client with respect.

(b) Failure to report or remit fees due LRS under Section III (C) (iii).

(c) Failure to personally grant a ½ hour consultation without charge except for the administrative consultation fee due LRS or arrange personally with the client for any additional services. (Section III (C) (i), (ii), (iv), (v)).

(d) Failure to carry and maintain a minimum of $100,000 coverage in professional E&O insurance. (Section III (C) (vii).

(e) Behavior on the part of the panel applicant/member which indicates instability or substance abuse such that the Committee determines the applicant/member cannot properly perform as a LRS member.

(f) Behavior that reflects poorly on LRS or TPCBA.

(g) Failure to fully cooperate with the Committee in any investigation concerning a complaint.

B. An applicant for LRS membership may select a maximum of five panels in areas of laws in which he/she wishes to receive referrals, plus any subjects listed under “Other”.

C. The LRS panel member agrees to the following conditions:

(i) He/she will personally grant ½ hour consultation without any other charge except for the administrative consultation fee paid to LRS.

(ii) He/she will personally meet with the client, collect the proper consultation fee (unless waived or prepaid) and return the completed LRS form with the fee to LRS within seven days of the consultation.

(iii) He/she will remit to LRS 10% of any attorney fees collected at the time of collection, by the panel attorney or his/her firm from LRS clients upon receipt thereof. The 10% fee is due on any attorney fees collected on all cases at the time the fee is collected. If the fee is paid to the attorney panel member in installments, the 10% may be paid periodically. If the fee is paid on contingency the fee is to be paid when the total fee has been received.

(iv) A client remains a client for the duration of the matter referred.

(v) He/she will not increase the cost of service to the client in order to cover any LRS fees charged.

(vi) The panel member is personally liable for the 10% of fees collected at time of receipt.

(vii) He/she will carry and maintain a minimum of $100,000 coverage in professional E&O insurance, and will disclose and provide documentation to LRS the amount, term, carrier, and deductible of coverage, and will report immediately any changes in coverage.

(viii) He/she has read and agrees to abide by these rules and procedures regulating panel membership.

IV. Panel Operation.

A. Assignments of referrals are made on a rotating basis by subject matter, with consideration of the nature of the client's case and geographical location. Rotation is done by the LRS staff.

B. If a panel member is unavailable for any reason the member will be skipped, but will not lose their place on the rotation list.

C. If the panel member refuses three referrals, without good cause, they will be placed on inactive status.

D. Random client satisfaction questionnaires will be mailed periodically to evaluate the service. Such questionnaires will include questions about LRS service, attorney service, and fees. (Note: Panel members may request copies of questionnaires that have been returned to LRS by his/her clients.)

E. A client dissatisfied with an initial referral shall be entitled to one additional referral on the same matter, and the referral may only be made if the reason for the dissatisfaction could have been remedied prior to making the referral, i.e. conflicts or unforeseen cancellations.

F. Panel members who fail to send in the proper referral fee, return the referral information form, or remit the 10% of fees collected without good cause or within due time, may be placed on inactive status. Any panel member placed on inactive status with LRS may be reinstated upon compliance, or the member can petition the Committee for reactivation at any time. Exceptions to the above may be made, on a case by case basis, if circumstances dictate it.

V. Fees.

A. Annual TPCBA membership dues must be kept current. There is no registration fee to be a panel member of the referral service.

B. Deadline for receipt of the LRS application is February 1st. Applications may be accepted after the deadline provided space permits additional members.

C. Unless the LRS fee is prepaid or waived, each client shall give to the LRS panel member a $35.00 consultation fee (or $20.00 for Discount Senior Panel consultation fee) at the time of the consultation. The attorney is to send the fee to LRS within seven days of receipt. There is no consultation fee for Plaintiff Personal Injury or Social Security Disability matters. Only LRS has the authority to waive or defer LRS fees.

D. Reporting of the 10% fee sharing will be done by LRS staff as follows:

(i) Reports will be sent annually and semi-annually to LRS panel members for all cases referred during the reporting period and will show any fees paid to date according to the LRS database. Reports shall be <u>updated and returned to LRS with any outstanding fees</u> within **<u>thirty</u>** days after receipt of the report.

(ii) Efforts will be made to verify accuracy of statements including requests for information about fees in random client questionnaires as described in Section IV (D).

VI. Removal from LRS.

A. The Committee may remove or reject an attorney for cause. The grounds for exclusion in III (A) (i) require removal of a member. Those in III (A) (ii) may result in rejection or removal. An attorney removed/rejected has a right to have the TPCBA Trustees review the action. The review must be requested in writing within **thirty** days of receipt of the notice of removal/rejection. The attorney will not receive referrals while the review is pending. If reinstated by the Trustees, the attorney's name will be placed in the rotation without a loss of position.

B. The complaint procedure is as follows:

(i) Any client complaint about either LRS or the referral attorneys will be sent a written complaint form, including a waiver of attorney-client privilege with respect to information relating to the complaint.

(ii) Upon receipt of the form, the Executive Director shall call the client and the attorney to obtain more detailed information. The attorney and the client shall each provide timely information and cooperate with the Executive Director and/or Committee. The client's failure to do so will result in dropping of the complaint. The attorney's failure to timely and fully cooperate may result in removal from the panel as in Section III A (ii) (f).

(iii) The Executive Director shall determine whether the complaint involved in Section III (A) (ii) (a), (e) or (f) should be reviewed by the Committee, whether the client should have a new referral, whether the complaint has sufficient substance to warrant further action, or whether the matter is an ethical issue that should be handled by the WSBA.

(iv) If the Executive Director determines that one or more Section III (A) matters above are involved, the complaint form and any additional information will be forwarded to the Chairperson of the LRS Committee.

(v) The Chairperson will review and attempt to resolve the matter. If no resolution occurs, and the Chairperson determines that the client's complaint has merit, the Committee will schedule a meeting with the attorney to discuss the matter. After such meeting the Committee will decide whether to remove or retain the member.

(vi) If the member is removed, he/she may appeal as provided in Section VI (A).

(vii) A removed panel member may reapply during the next registration period subject to approval by the Committee.

C. A panel member may withdraw from the panel at any time by giving written notice. Withdrawal does not relieve the panel member of responsibility for cases previously accepted from LRS. The client remains a LRS referral client for the duration of the matter referred. Even if the attorney leaves the LRS panel the 10% remittance fee is due and payable.

VII. Indemnification.

The panel member must agree to indemnify the Tacoma-Pierce County Bar Association from any and all claims, liability, or loss incurred through any negligence or intentional conduct of the attorney which causes damage to a client referred by LRS. In addition, the attorney agrees to waive any or all claims against the Tacoma-Pierce County Bar Association for loss arising from the operation and policies of LRS.

NOTE: If there is no active LRS Committee, wherein stated "Committee" matters shall be referred to the TPCBA Executive Committee (President, Vice President, Secretary and Treasurer) and/or the TPCBA Board of Trustees.