



Lawyer Referral Service Annual Application

2022 Membership year: January 15, 2022 – January 15, 2023
Celebrating 50 years of service to the Tacoma-Pierce County Community
Service on LRS is a TPCBA Member benefit!

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Lawyer Referral Service Rules and Procedures

-Please keep this portion for your records-

- 1) **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.
- 2) **Management.** The LRS is managed by the Executive Director and the LRS Coordinator of the Tacoma-Pierce County Bar. Operational responsibility is delegated to LRS staff who 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.
- 3) **Panel Membership.** To be a member of the TPCBA LRS, an attorney must:
 - a. Be a member of the WSBA in good standing and be a current member of the Tacoma-Pierce County Bar Association.
 - b. Remit an annual application and updated proof of insurance. (Note: new panel operations begin each year on January 15th.) Applications may be accepted after the deadline provided space permits additional members.
 - c. Carry and continuously maintain a minimum of \$100,000 per occurrence and \$300,000 aggregate per year coverage in professional errors and omissions (E&O) insurance. Provide an E&O Declarations page or Certificate of Coverage documentation to LRS to include the term, the coverage limits, the carrier's contact information, and policy number. Report immediately any changes in coverage to LRS. *(Failure to submit updated proof of insurance or timely renewal will result in deactivation from the panels.)*
 - d. Have professional office availability for client meetings, conferences, receipt of service and other formal contacts. Professional offices include virtual offices that can receive services on your behalf and provide access to meeting rooms and video conferencing. If a panel member uses a home office exclusively it must have a separate entrance for clients, unless otherwise approved.
 - e. Agree to read and abide by these LRS Rules and Procedures.
- 4) Select a maximum of *five* panels in the major areas of practice, choosing as many subjects as desired listed *under* each panel. Additionally, you may select any subjects listed under the “Other” Panel. Only select to serve on panels in the areas of law you have legal knowledge and skills in compliance with RPC 1.1.
- 5) **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.
 - b. If a panel member is unavailable for any reason that panel member will be skipped but will not lose their place on the rotation list.
 - c. If a panel member refuses three referrals, without good cause, they will be placed on inactive status.

- d. LRS intake staff will screen callers to determine the nature of their legal concern and if it is appropriate to make a referral based on parameters set regarding the various areas of law.
- e. A referral fee will be prepaid to LRS in accordance with 6b.
- f. Consultation appointments are set to meet with an attorney in their professional office; callers who are out of the area are scheduled for a phone consultation. The client and/or attorney may request a phone consult. When a phone consult is scheduled, the client will be instructed to call the attorney at the appointment time unless the attorney requests otherwise.
- g. When a referral is agreed upon with the prospective client the LRS staff will contact panel members (or their staff) by phone to schedule the consultation appointment. Time is of the essence so if no one is available to schedule an appointment no voice message will be left. The coordinator will proceed through the list until an appointment is made.
- h. The coordinator will then call the client to notify them of their appointment details.
- i. An appointment letter will be mailed (or emailed) accompanied by a satisfaction survey, to all clients whenever possible.
- j. An LRS Return Form will be faxed (or emailed) to the panel member referred for each referral.
- k. Client satisfaction surveys will be mailed (or emailed) and/or clients will be called to evaluate the service. Surveys will include questions about LRS service, attorney services, and fees. (Note: panel members may request copies of surveys that have been returned to LRS by their clients.)
- l. A client dissatisfied with an initial referral shall be entitled to one additional referral on the same matter. This referral may only be made if the reason for the dissatisfaction could have been remedied prior to making the referral, i.e., conflicts of interest or unforeseen cancellations.
- m. 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 an LRS referral client for the duration of the matter referred. Even if the attorney leaves the LRS panel or moves to another firm, the 10% remittance fee is due and payable.
- n. Panel members who fail to 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.

6) **Panel member responsibilities.** Panel member attorneys agree to:

- a. Carry and continuously maintain a minimum of \$100,000 per occurrence and \$300,000 aggregate per year coverage in professional errors and omissions (E&O) insurance. Provide an E&O Declarations page or Certificate of Coverage documentation to LRS to include the term, the coverage limits, the carrier's contact information, and policy number. Send LRS updated documentation upon renewal of coverage, or any time changes are made to the policy. *(Failure to submit proof of insurance or timely renewal will result in deactivation from the panels.)*
- b. Personally, grant up to a one-half hour consultation without any other charge beyond the administrative consultation fee paid to LRS. If the consultation goes beyond the half-hour and fees are charged 10% is due to LRS.
- c. Return the completed LRS Return Form to LRS within seven days of the consultation.
- d. Complete and return Annual and Semi-Annual Percentage Fee Reports and Open Case Reports (OCRs) within 30 days of receipt. Failure to do so may result in the panel member being placed in inactive and/or collection status.

- e. Report the total amount of attorney fees collected by that attorney or their firm from LRS clients, which arise out of the subject matter of the original referral and remit 10% to LRS. *The 10% fee is due on any attorney fees collected from LRS clients upon receipt thereof.* If a fee is paid to the attorney panel member in installments the 10% may be paid in installments on receipt thereof. If the fee is paid on contingency the LRS fee is to be paid when the total fee has been received.
- f. Not increase the cost of service to the client to cover any LRS fees.
- g. Report to LRS if they have plans to be unavailable for more than a week. LRS should be notified, and the panel member will be placed on inactive status for the period of unavailability.
- h. Communicate with LRS the case status.
- i. Treat each client with respect.
- j. Behave in a manner that reflects favorably on the LRS and/or TPCBA.
- k. A client remains a client for the duration of the matter referred.
- l. Fully cooperate with the Committee in any investigation concerning a complaint.

7) Fees.

- a. Annual TPCBA membership dues must be kept current. There is no additional registration fee to be a panel member of the referral service.
- b. *Percentage fees: The 10% percentage fee is due on any attorney fees collected from LRS clients upon receipt thereof.* If a fee is paid to the attorney panel member in installments the 10% may be paid in installments upon receipt thereof. If the fee is paid on contingency the LRS fee is to be paid when the total fee has been received.
- c. The LRS administration fee is prepaid by the client directly to LRS. The fee is \$40. There is no consultation fee for Plaintiff Personal Injury/Tort panel referrals, Social Security Disability panel referrals, or Worker's Compensation panel referrals. Only LRS has the authority to waive or defer LRS fees.
- d. LRS reporting of the 10% fee sharing will be completed by LRS staff as follows: percentage fee and open case reports will be sent by email (or mailed by request) annually (in January) and semi-annually (in July) to LRS panel members for all cases referred during the reporting period and any cases previously reported as being open. These reports will show any fees paid to LRS to date according to the LRS database from information gathered from LRS Return Forms and from previously submitted attorney panel member/firm reports and payments. *Monthly reports are available upon request in writing to LRS.*
- e. Efforts will be made to verify accuracy of statements, including requests for information about fees utilizing client surveys described in 4k above.

8) Rejection, Suspension or Removal from the panel. The Committee may reject an attorney's application for panel membership or suspend or remove an attorney for any of the following reasons:

- a. A review committee or disciplinary board of the WSBA recommends that the attorney is to be tried for or be disciplined for violation of their duties as an attorney.
- b. The attorney has been disciplined by the WSBA for violation of their duties as an attorney within a period of one year prior to application in case of a censure or a reprimand, and five years after reinstatement prior to application in the case of suspension or disbarment.
- c. The Board of Governors requests an attorney be excluded from the panel. The exclusion shall terminate if the attorney is exonerated in accordance with the Washington Rules of Discipline of Attorneys.

- d. One or more substantiated complaints from clients that involve failure to pursue the case as promised/scheduled, failure to communicate case status, failure to treat client with respect.
- e. Failure to abide by any LRS rules or procedures.
- f. Failure to report or remit fees due to LRS as required by 2d and 6c.
- g. Behavior that reflects poorly on LRS or TPCBA.
- h. Failure to fully cooperate with the Committee in any investigation concerning a complaint.

9) **Client Complaint Procedure.**

- a. Any client complaining 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.
- b. 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.
- c. The Executive Director shall determine whether the complaint should be reviewed by the Committee, whether the client should have a new referral, whether the complaint has enough substance to warrant further action, or whether the matter is an ethical issue that should be handled by the WSBA.
- d. If the Executive Director determines that one or more matters are involved, the complaint form and any additional information will be forwarded to the Chairperson of the LRS Committee.
- e. 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.
- f. A removed panel member may reapply during the next registration period subject to approval by the Committee.

10) **Reinstatement of Panel Member.** 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.

1. **Indemnification.** The panel member must indemnify the Tacoma-Pierce County Bar Association from any claims, liability, or loss incurred through any of the applicant's negligence that 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/Treasurer) and/or the TPCBA Board of Trustees.