



**BAR ASSOCIATION OF BALTIMORE CITY
LAWYER REFERRAL AND INFORMATION SERVICE RULES**

Updated: March 6, 2014

PREAMBLE. The Bar Association of Baltimore City (“BABC”) believes that an important means for the legal profession to fulfill its responsibility to make legal counsel available to members of the public is through an effective lawyer referral service. The Bar Association of Baltimore City wishes to create and operate a lawyer referral and information service to serve the Baltimore Metropolitan area and its surrounding counties. There is hereby created the Bar Association of Baltimore City Lawyer Referral and Information Service (“the Service” “LRIS”).

- I. **Objectives.** The purposes and objectives of the Service are:
 - A. to serve the public by administering a coordinated lawyer referral and information service throughout (however, not limited to) the Baltimore Metropolitan area;
 - B. to operate a service by which any person may be referred to a lawyer who is able to render the needed legal services;
 - C. through community outreach and advertising, to provide information to the public about lawyers and the availability of legal services;
 - D. to provide information to the public about community and legal services available, including other local bar referral services, legal aid services, legal service programs, public interest law organizations and other appropriate services providers throughout the state of Maryland.

- II. **The Committee.**
 - A. The LRIS Committee (“the Committee”) shall be charged with the operation and administration of the Service.
 - B. The Committee is comprised of a chairperson(s), and committee members are appointed by the President of the BABC.
 - C. The Director of Public Services (“the Director”) shall serve as an ex officio member of the Committee.
 - D. The Committee shall also be responsible for the organization and coordination of ancillary public service programs which relate to the operation of the Service.

- III. **The Service.**
 - A. The Service will endeavor to have active panel members volunteer by working three two-hour shifts each day.
 - B. A person seeking a lawyer who contacts the Service will be screened by an Intake Specialist and/or Volunteer Attorney and a referral will be made to an active member of the Service on a rotating basis if the person has a viable case and clears its screening process.

IV. The Participating Attorney Panel.

A. Qualifications:

1. Any attorney who is duly admitted to the Court of Appeals of Maryland and in good standing, and has paid their annual assessment to the Client Security Trust Fund of Maryland;
2. Has no pending criminal charges or convictions involving moral turpitude or violence;
3. Must maintain malpractice insurance of a minimum amount of \$100,000;
4. Must agree to arbitrate fee disputes arising from the Services' referrals through the Associations Fee Arbitration Committee;
5. Must supply update information regarding referrals as requested (non-compliance will result in suspension until such update is received);
6. Must abide by minimum qualifications and mentor policies as set forth in the Services' application packet.
7. Must provide a written retainer agreement for all legal services provided.
8. Must satisfy rule XIX(A)(6),(7), which concerns disciplinary actions and matters concerning the Client Protection Fund.

B. Application Process

1. To apply for membership, an applicant must submit a completed application, dues and meet the qualifications outlined under Rule IV(A).
2. Each applicant must be interviewed by a member of the Committee for recommendation to join the panel.
3. Each applicant will be notified in writing of their membership decision.

C. Membership Agreement. Upon approval of membership, each member must agree to:

1. Charge a fee of \$35.00, payable to LRIS, for the initial thirty-minute consultation with the referred client.
 1. The panel member must submit the \$35.00 fee to LRIS.
 2. A consultation is considered to be an office or home visit, with the following exception:
 - a. Out-of-state referral clients.
2. Inform client that services beyond the initial thirty-minute consultation will be agreed between the attorney and client, and in keeping with the stated objectives of the service and the client's ability to pay;
3. Pay the Service 15% of all attorney fees received (with the exception of the Sixty Plus and Access to Justice Programs). Attorneys are not permitted to increase their retainer rate to compensate for the percentage fee owed to the Service.

4. Abide by all rules of the Service and will in no event hold or claim to hold the Bar Association of Baltimore City, the Service, or any of their officers, members or employees liable in connection with the operation of the Service or the use of information contained in any application or report furnished to the Service.
5. Upon being retained, proceed with due diligence and will not neglect any matter referred by the Service.
6. Inform the client if they decline the client's case and refer the client back to the Service.
7. Not increase their fees to referred clients to defray the cost of participating in the Service.
8. Provide each client with a Professional Services Agreement. The attorney and client are encouraged to enter into a written agreement concerning the representation to be provided, the anticipated attorney fees and any other costs relative to the client representation.
9. No panel member shall forward a referral client (or referred matter) to another panel member, including other attorneys within their firm, unless it is approved by the Director of the Service.
 1. This rule strictly prohibits sharing referrals with any attorney within or outside of your firm.
 2. The Sixty Plus program is exempt from this rule.
10. In no event may a referred client (or referred matter) be referred to a non-LRIS member, including attorneys within your firm.

V. Mentor Program.

- A. The LRIS Mentor Program is designed to provide assistance to attorneys to qualify for referrals and to ensure that the public is receiving representation from a qualified attorney. Attorneys who meet minimum qualifications and are interested in providing mentorship to a less experienced attorney should complete the attached Mentor Sign-Up and return with the LRIS application.
- B. Request for a Mentor
 1. Mentor requests are limited to three panels (this does not include sub-panels).
 2. Mentor assignments are not guaranteed with every request.
- C. The Mentor-Mentee relationship shall act as an informal point-of-contact for the mentee. It is not intended for the Mentor to act as co-counsel or in any other interest sharing capacity unless such an agreement is arranged independently between both parties.

VI. Volunteer Attorneys.

- A. When an active panel member is asked to volunteer a few hours of their time to answer telephones at LRIS' office, in exchange for their time, a member may receive a referral(s) during their shift.

- B. Inactive Members and/or temporarily suspended members may not answer telephones at the LRIS office until returned to the rotation.
- C. The Director, in consultation with the Executive Director, shall have the authority to implement volunteer policies.
- D. Pursuant to Rule VI(C), the Service reserves the right to refuse a member from volunteering at its offices for any reason.

VII. Fees for Membership.

- A. Each participating attorney of the Service will pay the Service a non-refundable annual membership fee to be determined by majority vote by the Services' Committee.
- B. The Committee may establish a higher registration fee for attorneys who are not members of the Bar Association of Baltimore City. With the approval of the Service's Committee, the Service may assess additional fees as necessary to support the operation program, including, but not limited to, a percentage of the fees generated by referrals made to participating attorneys.
- C. All fees will be used to defray the costs of operation of the Service.
- D. Participating attorneys shall not increase their fees for legal services to referred clients to defray the cost of participating in the Service.

VIII. Referral Fees.

- A. Clients will be charged \$35 for a referral to an attorney, which entitles them to up to a one-half hour (30 minute) consultation with the attorney to whom they are referred. Referral fees are collected via telephone by credit card by LRIS staff or collected at the consultation. If indicated on the Referral Confirmation Report, attorneys are required to collect the referral fee from clients for remittance to LRIS before an office consultation, and are required to submit the referral fee to LRIS. LRIS will invoice the client once confirmation of a phone consultation is received from the referring attorney.
- B. Waiver of Referral Fee. The referral fee is waived for various case types; contact LRIS for an updated list. Only LRIS staff has the authority to waive the referral fee for clients with other legal situations. The attorney will be advised when the referral fee is waived.

IX. Percentage Fees.

- A. To defray the cost of operating LRIS, panel attorneys shall make a contribution equal to 15% of all attorney fees received. Fees generated through Access to Justice Program (AJP - reduced fee) and Sixty Plus referrals are not subject to the above contribution.
- B. Refusal to pay percentage fees shall lead to the suspension of your Bar Association of Baltimore City and LRIS membership and may result in collection.

- X. **Case Audits.**
 - A. Panel members agree to submit to the audits by all deadlines.
 - B. LRIS conducts a bi-annual audit called, the Referral Progress and Remittal Reports. Audits are conducted on all open, pending and retainment pending consultation cases in order to collect percentage and referral fees and all case updates.
 - C. Non-active members will still be audited if they have a case that is still open and/or pending consultation, and non-active members agree to submit their audit and pay fees.

- XI. **Method of Referral.**
 - A. **Telephone Inquiry**
 - 1. When it is determined by LRIS staff that a referral is necessary, the caller will be given the name of the next attorney in order of rotation that is qualified to represent the client.
 - 2. LRIS will contact the attorney and inform them of the name and telephone number of the prospective client. A *Confirmation Report* will be generated and sent to the attorney. All referrals are recorded in LRIS' database.
 - B. **Walk-in Inquiry**
 - 1. LRIS does not generally accept walk-ins due to the large volume of incoming calls and to the safety of the LRIS staff. The LRIS staff will give the prospective client a LRIS pamphlet, instructing the individual of our "No Walk-in Policy" and suggest they call LRIS.
 - 2. However, a referral can be given to a walk-in on a case by case basis; this decision will be made by the Director. The prospective client will be given the name and telephone of the next attorney on rotation, and a *Confirmation Report* will be faxed to the attorney.

- XII. **Operation of the Panel.**
 - A. Referrals will be made to active members of the panel in rotation and by subject matter panel.
 - B. Participating attorneys will accept any referral client for an initial consultation in those areas of the law with respect to which they have indicated in their applications they are willing and competent. However, should any referral give rise to a conflict of interest, the attorney will contact the service and the Service will refer the client to another attorney.

- XIII. **Referral Procedures.**
 - A. Procedures will be maintained to assure that each referral is made fair and impartial manner to all panel members. Procedures shall be designed to respond to all known circumstances of the client, including the subject of the legal problem presented, geographical location, language needs and ability to pay for desired services, when applicable.

- B. The referral client, to the extent feasible, shall be informed of the rules of the Service applicable to the client's case, including information about the initial consultation and the fee therefore.

XIV. Quality Assurance.

- A. LRIS reserves the right to contact referred clients to evaluate client satisfaction and panel member adherence to LRIS policies.
- B. Client Follow-up Waiver. Each client is given the opportunity to decline their client follow-up survey at the time the initial referral is made.
- C. Client Follow-up Frequency. Client follow-ups are conducted with every client at least 60 days after a referral is conducted.
- D. Referral Complaints. Client with complaints regarding a referral to an attorney, the client will be provided a complaint form. Once the form is completed and returned to our office the Committee will review the complaint and determine if disciplinary action is necessary.

XV. Acknowledgment and Report of Referrals.

- A. The participating attorney shall complete and return a *Confirmation Report*, which is sent to each attorney notifying them of a referral. This *Confirmation Report* must be returned to the Service within thirty days after each referral. Nothing in this report will require any attorney to violate the attorney-client privilege. LRIS staff may request updated information for a case at any time.

XVI. Additional Panels and Panel Amendments.

- A. The Committee may establish such separate panels and sub panels, including reduced fee and no fee panels, as it decides are appropriate and consistent with the purpose and objective of the Service.
- B. The Committee may change or amend the referral fee by waiving it, this must be done by majority vote at a committee meeting.

XVII. Records and Review. The Service will keep a confidential Database of all records of referrals and reports of participating attorneys which will be subject to examination and inspection by the Committee and officers of the Association.

XVIII. Withdrawal from Membership. A participating attorney may at any time withdraw from participation in the Service. Attorneys are required to complete a full Audit on any open cases at their time of withdrawal, and are obligated to submit any fees generated from referrals even after their withdrawal.

XIX. Panel Membership Denial, Suspension and Removal.

- A. An applicant will be denied participation in the Service and participating panel attorneys will be automatically suspended and/or terminated from the Service panel under the following circumstances:
 - 1. Failure to meet the qualifications under Rule IV(A);
 - 2. Suspension or disbarment from practice;

3. Conviction of a felony in any jurisdiction;
 4. Failure to maintain professional liability insurance in the minimum amount as may be established by the Committee;
 5. Failure to pay dues and/or percentage fees owed;
 6. Any applicant who has received disciplinary action, including public reprimand, from the Attorney Grievance Commission of Maryland, or any other jurisdiction, will not be eligible for membership with the following exception:
 1. It has been at least three years since the discipline imposed was satisfied.
 7. Any applicant who has had a matter satisfied by the Client Protection Fund of the Bar of Maryland will be ineligible for membership for a period of three years from the date of the Fund's action, or until the Fund's payment to the client has been reimbursed by the applicant, whichever comes later.
- B. An applicant may be denied participation in the Service and a participating panel attorney may be suspended or terminated from the Service under any of the following circumstances:
1. Repeated rejections of referrals by the attorney without good cause;
 2. Institution of criminal charges against attorney involving moral turpitude, theft, embezzlement, crimes of violence or fraudulent appropriation of property;
 3. Submission of an application or report or furnishing of information by the attorney to the Service which is false in any material respect;
 4. Failure to cooperate with the Committee in the investigation and resolution of a client complaint;
 5. Imposition of disciplinary action of censure or its equivalent by an Appellate Division of the State of Maryland Court of Appeals or disciplinary body or another state for violations of applicable rules governing professional conduct;
 6. Engaging in conduct harmful or injurious to the objectives, reputation or interests of the Service and/or profession;
 7. Repeated client complaints;
 8. Failure to file timely reports and summaries required by the Service;
 9. Failure to timely pay percentage fees due the Service;
 10. Failure otherwise to comply with the Rules of the Service or other good cause as determined by the Committee.
- C. (1) The Service shall be empowered to suspend and/or terminate a participating panel attorney for a violation enumerated under subsection (B), provided that notification of such action and the applicable violation is provided to the attorney in writing within 48 hours of the suspension.
1. For purposes of this section, notice shall be by: (a) regular mail and (b) email.

2. The participating attorney shall have the opportunity to respond to the Service in writing, with such response to be submitted within 15 days of the mailing of notice from the Service, and to present written response to the Director.
 3. The suspension shall remain in effect until issue has been remedied or the disposition of charges by the lawful authorities, following which a decision shall be made by the Director, and approved by the Committee, within 30 days as to whether to reinstate or remove the participating attorney.
 4. If the temporary suspension is not remedied within 90-days the member shall receive a permanent suspension from the Service.
- D. Removal for failing to complete and submit fees for the Bi-annual Audit.
1. If a member fails to complete and submit to an audit by failing to complete the Referral Progress and Remittal Report or by failing to submit fees by the indicated deadline, the member shall be suspended from the panel.
 2. If a member fails to complete and submit to two consecutive audits, and does not remedy the issue within 60 days of the subsequent audit, the member shall be permanently terminated and banned from the Service.
- E. Appealing Denials and Suspension of Memberships.
1. Notwithstanding the provisions of Rule IV(A), any applicant may be denied admission to panel membership, or membership may be suspended and/or terminated, if the admission or continuance of their membership would not be in the best interest of the Service and/or the Association.
 2. Should the Service deny panel membership, terminate or suspend a member, the applicant, suspended or terminated member, has the right to submit a request in writing to the Service within 30-days of notification of denial or suspension, for an informal hearing before the Committee at one of the Committee's regularly scheduled meetings. Should the Committee affirm the denial of membership, suspension or termination the attorney has a further and final right of appeal to the Association's Officers, if such appeal request is submitted in writing to the Association within 3-days from the receipt of an unsuccessful ruling by the Committee.
 3. All denials for membership and suspensions (except for suspensions listed under rule XIX(D)) shall last for three years, at which time the attorney may reapply.

XX. **Home Office Policy.** All initial consultations must be held in a law office.

- A. A law office is defined as, one that is clearly identifiable to the public as a law office, separate and distinct from any other business or residence, unless both are within a building architecturally designed to completely separate the residence or other businesses from the attorney's law office area.

B. If a member does not have an office that satisfies subsection (A) of this rule, then the member must arrange to meet with the referred client in a law office, Courthouse conference room, or the member may contact BABC headquarters to utilize their conference room for the initial consultation.

XXI. **Amendment.** The rules and procedures for the Service set forth in this Plan may be amended by majority vote at a regularly scheduled Committee meeting, as long as any amendment is consistent with the purposes and objectives of the Service, or upon recommendation of the Executive Council of the Bar Association of Baltimore City.