

BEVERLY HILLS BAR ASSOCIATION  
LAWYER REFERRAL & INFORMATION SERVICE  
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AS AMENDED March 14, 1990

RULES

I. PURPOSE

The Beverly Hills Bar Association Lawyer Referral & Information Service ("Service") is a non-profit association sponsored by the Barristers of the Beverly Hills Bar Association ("Barristers"). Its purposes include (without engaging in the practice of law):

- (a) to provide a way in which any person may be referred to a lawyer who is able to render and is interested in rendering needed legal services;
- (b) to provide information about lawyers and the availability of legal services which will aid in the selection of a lawyer;
- (c) to inform the public when and where to seek legal services;
- (d) to provide general and legal information needed by the public;
- (e) to improve the quality of legal services available to the public; and
- (f) to provide legal services at an affordable cost to the public.

II. ADMINISTRATION

A. The Service shall be operated under these Rules as amended from time to time.

B. The Service shall be comprised of these separate parts:

1. A staff person or persons who process the requests for legal assistance, make the referrals and operates the service ("Staff"). No member of the staff may be employees of any attorney to whom referrals are made.

2. Panels of lawyers who provide the legal assistance ("Panels"); and,

3. A Lawyer Referral & Information Service Committee ("Committee"), which shall have authority to make and/or delegate all decisions necessary to operate the service and shall supervise the finances of the Service.

C. In no event shall proceeds from the Service be used to defray the costs of operating the Barristers or the Beverly Hills Bar Association, (other than those properly apportionable as expenses of the Service) or be used solely for the benefit of the members of such associations or members of the State Bar. Proceeds from the service shall be maintained in a separate account. All expenditures by the service over \$500 shall be approved by the Chairperson of the Committee; those over \$1,500 must additionally be approved by the Board.

D. The Service shall not be principally operated by telephone answering service or device.

III. COMMITTEE

A. The Committee shall be composed of at least three (3) members appointed by the President of the Barristers. At least fifty percent (50%) of the Committee shall be active members of the State Bar of California, and members of the Beverly Hills Bar Association ("Association"). It is in keeping with the purposes of the Service that at least one Committee member be a non-lawyer. A member of the Barristers shall be appointed as Chairperson.

B. At least 50% of the Committee (and/or their family members within the first degree of consanguinity) shall not receive referrals from the Service. Those Committee members who receive referrals shall not, individually or collectively, receive more than 20% of the total referrals made by the service.

C. In order to conduct business there must be a majority of members of the Committee present.

D. The Committee shall meet at least quarterly and at the special call of the Chairperson of the Committee.

E. At least annually, the Committee shall review these Rules, forms used, method of operation and records of the Service and recommend such additions and changes thereto as may be deemed appropriate to carry out the purposes of the Service, subject to the approval of the Barristers Board of Governors ("Board").

F. The Committee shall annually present to the Board a report of the operation of the Service during the past fiscal year in compliance with the Minimum Standards for a Lawyer Referral Service in California ("Minimum Standards") , and a proposed budget of the Service for the coming fiscal year. The Committee shall make such interim operating reports as may be requested by the President of the Barristers.

G. The Committee shall also annually file with the State Bar and/or appropriate Committee/Section a report on the activities of the Service and of the Committee. Such report shall include at least the following:

1. statistics derived from the operating records of the service and what, if any, alterations have been made in the conduct of the Service by the Committee;
2. a detailed accounting of all income to the Service (and sources thereof), all expenses related to the operations or promotion of the Service, the amount of current reserves held by the Service, and the specific disposition over the past two years of any reserves and/or surpluses derived from the Service; and
3. the number of cases sampled together with a copy of the results of the sampling.

IV. REQUIREMENTS FOR MEMBERSHIP IN THE SERVICE

A. Membership in the Service shall be open to any member of the State Bar of California who has offices within the County of Los Angeles and who satisfies the application requirements as determined by the Committee. Membership in the Association is not a requirement for membership in the Service.

B. There shall be a minimum of twenty (20) attorney members to whom referrals can be made, at least ten (10) of which shall be from separate and independent law firms.

C. Each applicant for membership in the Service shall complete a written application/agreement on the form proscribed by the Committee. In addition, each applicant accepted for membership in the Service ("Member") agrees to all of the following:

1. (a) carry at the time of such application and throughout the entire period the Member is a member of the Service a policy of errors and omissions insurance in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year, and to provide a copy of the declaration page(s) of such policy (b) upon expiration or other termination or such policy, to provide a copy of the declaration page(s) of any new or renewal policy, and (c) to present such further evidence or insurance as may be requested by the Service;

2. To abide by (a) these Rules as amended from time to time, (b) the Minimum Standards and (c) any rules relative to Lawyer Referral Services adopted by the State Bar of California, the California Supreme Court and/or the state legislature;

3. To certify that he/she (a) is a Member of the State Bar of California in good standing; (b) has not been convicted of any crime involving moral turpitude, (c) has not been disciplined by the State Bar of California or any other governmental licensing agency and (d) has not been involuntarily removed from this or any other Lawyer Referral Service within the immediately preceding two (2) years and to immediately inform the Service of any change in (a), (b), (c), or (d).

4. To personally grant an initial one-half (1/2) hour consultation to any person referred by the Service ("Client") unless the Member is unable to do so for ethical reasons;

5. To waive any and all claims against the Beverly Hills Bar Association, the Barristers, the Lawyer Referral & Information Service, the Committee, their officers, governors, members, employees and representatives, for any liability of loss arising out of or in connection with the referral of Clients, hereunder. To assume the risk of unknown claims and waive the provisions of Civil Code §1542;

6. To remit in a timely manner all fees due to the Service, including but not limited to annual membership dues, initial consultation fees, forwarding fees, percentage fees or other administrative fees;

7. To hold in trust that portion due to the Service from all fees collected by the Member from a Client and remit fees due to the Service within thirty (30) days of receipt or release thereof;

8. To pay interest at the rate of 10% per annum on all amounts past due and owing to the Service;

9. Pay the costs and expenses, including reasonable attorney's fees, incurred by the Service in any action or proceeding brought to enforce these Rules against a Member or to collect amounts due to the Service from a Member.

10. To complete and submit such written reports as may, from time to time, be required by the Service or Committee;

11. To submit any fee dispute arising between such Member and client referred by the Service, if the client so elects, to binding arbitration by the Lawyer Fee Arbitration Committee of the Association or other fee Arbitration Committee established pursuant to B&P Code §6200 et seq.

12. To collect and forward to the Service the sum specified for such initial consultation, if any, and exact no further fee or charge from a Client for such initial consultation;

13. To charge for further services in an amount or upon a basis agreed upon in writing with the Client in advance of providing such services. In negotiating fee arrangements, Member shall bear in mind the public service nature of this service, and accordingly shall give consideration to a client's ability to pay. Such fee(s) shall not increase the client's cost for legal services beyond that which he or she would normally pay, or result in a decrease in the quantity or quality of services which he or she would otherwise receive, absent involvement of the Service. The Member shall provide the Service with a copy of the written fee agreement unless the client objects, in which case the Member shall inform the Service in writing.

D. Every panel member shall be provided with a copy of these Rules and the Minimum Standards of a Lawyer Referral Service in California, and shall abide by them.

E. Each applicant shall, together with his or her application, remit the annual fee for membership in the Service in an amount established by the Committee. Membership fees charged to non-members if the Association may be higher than those charged to members. The Service shall not refund all or part of any membership fee.

F. Applications shall be reviewed by the Staff for qualification, and recommendations for admission/rejection and assignment to panels shall be made to the Committee.

#### V. REFERRAL PROCEDURE

A. Assignment of cases shall be made in rotation among the Members of the Panels. Such method of assignment may be departed from only where special circumstances appear to so warrant. Such special circumstances may include, but are not limited to, the type and degree of difficulty of the legal problem presented, the financial circumstances of the client, geographical convenience to the client, and language needs of the client. The Service shall not operate so that all referrals from a specific geographical area are made to only one lawyer or law firm.

B. In the event that the Member is unable to handle the Client's matter, it shall be the Member's obligation to refer the Client immediately back to the Service, which will make a second referral at no added charge to the Client. No more than two (2) referrals of the same Client for the same matter shall be made unless the Client is willing to pay another referral fee. This second fee may be waived by the Committee.

C. All prospective Clients shall be referred to a Member rather than to the Member's office. Each Member to whom a Client is referred is individually responsible for serving that Client. If further services are rendered to the Client, beyond the initial consultation, such services may be rendered by another attorney in the Member's office only if such attorney is or becomes a Member of the Service prior to rendering such services.

D. No Member shall be obligated to render services without compensation from a Client beyond the initial consultation provided for in these Rules. In the event that there is no further work to be performed beyond the initial consultation, or if the Member is unable or unwilling to render services beyond the initial consultation, the Member shall confirm that fact in writing to the Client with a copy to the Service.

E. No referral shall be made or refused on the basis of race, sex, age, religion, national origin, sexual preference or handicap.

F. No referral shall be made which violates any provision of the State Bar Act or Rules of Professional conduct

#### VI. AMENDMENTS

These Rules may be amended by vote of the majority of the members of the Committee, present and voting, subject to the approval of the Board.

#### VII. FORMS, RECORDS AND REPORTS

A. The Staff of the Service shall maintain records of its operation including at least the following information:

1. the name address and pertinent qualifications of each panel member and the number and types of matters referred to such panel member;

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2. the name, address and type of matter presented by each client referred, the name of the panel member to whom the referral was made, and the date the referral was made;
  3. the total fee charged as reported by the panel member in the event such member is required to pay forwarding fee based on the total fee charged to the client.
- B. The Service shall adopt such necessary forms as may be required by the State Bar.
- C. All records shall be available for inspection by Committee members, the Officers of the Association, the Board and qualified representatives of the State Bar of California, at all reasonable times, but shall otherwise be treated as confidential.

### VIII. FEES

A. The referral fee for the initial consultation (if any) shall be set by the Committee and shall be paid by the Client and, if the fee is tendered to the Member, the Member shall forward such fee to the Service. If a Member renders any services beyond the initial consultation to a Client, the Member shall pay to the Service a forwarding fee of fifteen percent (15%) of, all fees (less costs), received by the Member in connection with any of the following:

1. The matter considered at the initial consultation;
2. Any matter arising out of the same set of facts, transactions and circumstances of the matter considered at the initial consultation; and
3. Services rendered in connection with representation of the Client in any matter, apart from the matter considered at the initial consultation, which representation originates within eighteen (18) months of the date of the initial consultation with the Client.

B. The Member shall disclose to the Client that the Member is obligated to pay such fee to the Service.

### IX. PUBLICITY

- A. The Service shall maintain a publicity program which will promote the purposes of the Service.
- B. The form and content of all publicity shall be dignified, shall not be misleading and shall comply with the Rules of Professional Conduct set by the State Bar of California.
- C. A copy of all materials used for paid advertising for dissemination to the public shall be filed with the State Bar as part of the annual State Bar report.

### X. ORGANIZATION OF PANELS

A. Referrals of clients, under these Rules, shall be made only to Members listed on one or more Panels established as the Committee determines practical and necessary, in its discretion, to best enable the Service to make referrals that are responsive to individual client needs. The Committee shall establish minimum qualifications for membership on any Panel.

B. The Service shall have at least:

1. One or more experience panel(s) each having a minimum of four (4) members (without a requirement as to number of years of practice); and
2. a General Panel (which may indicate subject matter areas).

C. The Service shall endeavor to add, as and when practical, a free-service-to-indigent program, a reduced-fee program, and attorney-to-attorney consultation program, and a legal services for the aged program.

D. A Member wishing to join any Panel shall submit a written declaration under penalty of perjury that he or she meets the minimum requirements therefor. A Member may indicate no more than three (3) subject matter areas.

E. Subject matter areas may be indicated for members of the General Panel as follows:

1. A Member may indicate up to 3 generally recognized areas of law (and may also specify the various types of matters handled in each such area) when that member has special training and/or experience in such area. The Member shall describe such training and/or experience in the application. Such areas/types of matters may be noted by the Service, subject to approval of the Committee.
2. A Member may also indicate any field(s) in which such Member is a specialist certified by the California Board of Legal Specialization. That area shall be noted by the Service and shall count as one of the three generally recognized areas of law.
3. Those Members that do not indicate any subject matter designations will be designated as a General Practitioner.

F. The experience, education and training qualifications for experience panels shall be as determined by the Committee and approved by the Board.

### XI. REFUSALS TO ADMIT

A. Any applicant may be refused membership in the Service, or on any Panel, for failure to meet any one or more of the requirements as determined by the Committee. Each application should be acted upon by the Committee within Forty-five (45) days of filing, unless time is extended with the applicant's consent. Applicants must be fully advised in writing as to the grounds of rejection and to their right, upon timely written request, to a hearing before the committee.

### XII. RESIGNATION, SUSPENSION AND REMOVAL

A. Any Member may resign at any time upon completion of any outstanding reports required to be submitted to the Service and remission of any and all fees due to the Service at the time of the Member's resignation. Nothing in this paragraph shall limit the obligation of a Member to remit fees due to the Service which accrue after the time of the Member's resignation.

B. Any Member may be suspended or removed from any or all participation in the Service without prior notice from the Committee for:

1. Failure to pay the annual membership fee;
2. Failure to collect and forward to the Service in a timely manner any fee due the Service;

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3. Failure to submit all required reports in a timely manner;  
4. Failure to maintain continuous eligibility under these Rules;  
5. Failure to handle Service cases with professional competence and/or diligence;  
6. Charging excessive fees to Service Clients;  
7. Falsification of any statement made in the application for membership or on any required report;  
8. Violation of the State Bar Act, California Business and Professions Code or of a Rule of Professional Conduct of the State Bar of California;

9. Commission of a crime involving moral turpitude;  
10. Failure to comply with these Rules, the Minimum Standards; or  
11. Repeated discourtesy to a Service Client or staff.

C. Within ten (10) days of the suspension or removal of a Member, the Service shall serve written notice by first class mail upon the Member of (1) such suspension or removal, (2) the asserted grounds for such suspension or removal, and (3) the Member's right, upon timely written request, to a hearing before the Committee, on the Member's suspension or removal; except that no such notice is required if suspension or removal is due to Member's failure to pay the annual membership fee.

### XIII. HEARINGS

A. The Committee shall have jurisdiction to hear all matters involving refusal to admit, suspension, or removal of a Member. A written request for hearing shall be considered timely if it is received by the Service within thirty (30) days after mailing of the notice of refusal to admit, suspension or removal. Within ninety (90) days after receipt by the Service of the Member's request for hearing, the Committee shall conduct a hearing on the Member's suspension or removal. The Service shall serve written notice by first class mail upon the Member requesting such hearing of the date, time and location of the hearing at least twenty (20) days in advance thereof; provided, however, that the hearing may be held on less than twenty days notice if the Committee determines that the public interest is endangered by further delay. At the hearing, the committee may take whatever action it deems appropriate, including, but not limited to conducting an independent investigation and/or requiring oral or written testimony under oath. The Committee shall render, and serve by first class mail, its written decision within forty-five (45) days from the date of the hearing.

### XIV. APPEALS

A. A Member may appeal the decision of the Committee by written petition to the Board. Such petition must be received by the Board within thirty (30) days after mailing of the Committee's decision. The Board may take whatever action it deems appropriate in light of the facts and circumstances of the particular appeal. Action by the Board shall be conclusive and final.

### XV. REVIEW OF ALL PANEL MEMBERS AND SATISFACTION SURVEY

A. During the course of a given matter, unless the Client indicates otherwise, (preferably after its conclusion) each referred client will be sent a survey inquiring as to the client's satisfaction with the Member's handling of the case and whether the client felt the fee charged was reasonable ("Client Survey"). At least 10% of all referred clients will be surveyed each year.

B. Every written complaint regarding a Member, whether in such client survey or otherwise, shall be investigated by the staff. Those which the staff deems legitimate and unreconcilable, or where written complaints are received from three or more clients regarding a Member, the matter shall be brought to the immediate attention of the Committee.

C. For each panel Member, the Committee and/or its designee(s) shall review, at least annually, his/her continued qualifications for membership on the various panels under these Rules and shall consider, among other information the Committee may possess:

- 1) all returned client surveys;
- 2) any written client complaints;
- 3) any problems documented by the staff;
- 4) proof of current insurance;
- 5) certification as a specialist;
- 6) forms attesting to qualifications;
- 7) status of State Bar admission and discipline.

D. Based on its review, the Committee shall take such action regarding further investigation, suspension, or removal and make such alterations to the operation of the Service as it deems necessary.