

**BEVERLY HILLS BAR ASSOCIATION
LAWYER REFERRAL & INFORMATION SERVICE**

HELPFUL HINTS

The number of successful referrals a panel attorney receives is directly related to the following:

1. How quickly you return the call from LRIS;
2. The types of cases you will accept;
3. How accessible your office is;
4. How available you are for appointments;
5. How flexible you are with fee arrangements.

REFERRAL FEE

Each client referred by LRIS, except Personal Injury and Workers' Compensation clients, are informed that they will be expected to pay a (\$25.00) referral fee. We will try to collect the fee by credit card, but if we do not the client should give you the fee at your first meeting and they should come to your office prepared to do so. In PI matters, you agree to advance the referral fee if you undertake the representation of the client. In Workers' Compensation matters, we will waive the referral fee. If we can gain your cooperation in having your secretary ask for the fee before any service is given, then you will have the opportunity of withholding service until the client has paid the necessary fee. You do have the option of serving a client who claims they were not told of the fee, or who claims they are unable to pay, however, the Lawyer Referral Committee does not feel this is a valid reason for the Service waiving the fee and we will look to you for payment of the referral fee.

LRIS REPORTS

Subsequent to each referral, an ATTORNEY QUESTIONNAIRE will be sent to you. You are to complete this form with information on the disposition of the matter and send the \$25.00 referral fee (if not already collected by LRIS) along with one copy of the completed form to the Service. If you report a possible or ongoing case, you will receive a CASE STATUS report approximately every 4 months. IF WE DO NOT RECEIVE COMPLETED ATTORNEY QUESTIONNAIRES OR CASE STATUS REPORTS BACK IN THE TIME INDICATED ON THE FORM, YOU WILL BE PLACED INACTIVE UNTIL COMPLETED REPORTS ARE RECEIVED AND FEES HAVE BEEN PAID. Reinstatement will be at the end of rotation.

PANEL ROTATION

The BHBA/LRIS is a fully computerized referral service. Panel member selection and rotation is done by the computer. After a referral is made to you, you rotate to the bottom of the queue. Callers invariably ask for attorneys specializing in their particular problem. For this reason, it is imperative that we have specific information on the legal matters with which you are most experienced. Please complete the enclosed PANEL INFORMATION form as specifically as possible. If you have any questions, please do not hesitate to call.

A GENERAL CLAIM DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

APPLICATION/AGREEMENT

I hereby apply for membership in the Lawyer Referral & Information Service of the Beverly Hills Bar Association Barristers.

I hereby agree to the following terms, and make the following representations and warranties:

1. I have received, and read, the Minimum Standards for Lawyer Referral Services in California adopted by the California State Bar ("Minimum Standards") and the Rules governing the Lawyer Referral & Information Service of the Beverly Hills Bar Association ("Rules"), including, but not limited to Section IV Requirements For Membership In The Service, which are attached hereto and incorporated by reference herein.
2. I agree to, and will, in all respects, abide by said Minimum Standards and Rules, as may be amended from time to time.
3. I will personally grant an initial, one-half hour consultation to any person referred to me by the service.
4. Unless the Service has previously collected it, I will collect from the client and forward to the Service the sum of \$25.00 for each referral, except for personal injury cases in which cases I agree to advance the \$25.00 referral fee for said clients if I should undertake their representation. The Service waives such fee in State Workers Compensation cases. I will exact no further fee or charge from a referred Client for such initial consultation.
5. I will charge, for further services, an amount or upon a basis agreed upon in advance, in writing, with the referred Client in keeping with the purposes of the Service. Further, I agree to pay to the Service a forwarding fee of fifteen percent (15%) of all attorney fees collected for all services rendered beyond the initial consultation, which 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 receive absent involvement of the Service. I hold these funds in trust and will remit all fees within 30 days from receipt. I will pay interest at the rate of 10% per annum on all amounts past due and owing to the Service.
6. I will submit all fee disputes with the referred Client to binding arbitration before the Mandatory Fee Arbitration Committee of the Beverly Hills Bar Association or other State Bar approved arbitration program.
7. I will complete and submit such written reports and inquiries as may, from time to time, be required by the Lawyer Referral & Information Service and/or Committee.
8. I will carry at the time of application, and throughout the entire period of membership in the Service, a policy of malpractice insurance in the minimum amount of \$100,000/\$300,000 and will present such evidence thereof as may be requested by the Service and/or Committee. It is my obligation to notify the Service of any termination of the insurance coverage during membership in the Service.
9. I 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 or loss arising out of or in connection with the referral of Clients hereunder. I assume the risk of unknown claims and, in furtherance of the foregoing waivers, hereby waive the provisions of Civil Code §1542, which is reproduced on the reverse of this form.
10. I wish to be placed upon the panels which I have selected on the Panel Information Form. I declare under penalty of perjury under the laws of the State of California, that I meet the requirements for qualification to each panel selected and the information provided in the Membership Information Form is true and correct. I agree to immediately notify the Service in the event that I cease to meet such qualifications or membership information changes.
11. I understand and agree that any referred client may receive one or more inquiries from the Service or Committee regarding his/her satisfaction with my services.
12. In the event of any conflict between the provisions of the (1) Minimum Standards, (2) Rules and (3) this agreement, the terms of each control in such respective order.
13. I have been given no promise, representation or guarantee regarding referral of clients.

Dated: _____

Signature _____

MEMBERSHIP INFORMATION FORM

California State Bar # _____

Date Admitted ____/____/____

YOUR NAME: _____

POSITION: Firm member Associate Sole Practitioner

FIRM NAME _____

OF ATTORNEYS IN FIRM (Other than yourself) _____

OFFICE ADDRESS: _____

BUSINESS PHONE: _____ HOME PHONE: _____

FACSIMILE: _____ E-MAIL: _____

Branch of affiliated offices? (Please list address, city and state)

Date of first admission
to any State Bar ____/____

Date of Birth ____/____/____

Other States in which admitted, and year of admission:

I am personally fluent and can converse with clients in the following languages:

Spanish French Others _____

Saturday &/or Evening appointments can be arranged? Yes No

Would you be willing to handle a matter at 50% of your regular rate for a Modest Means Client?

Yes No (This is for future reference)

PANEL INFORMATION FORM
EXAMPLES

YOU MAY SELECT UP TO THREE MAJOR AREAS OF THE LAW TO RECEIVE REFERRALS,
BUT AN UNLIMITED NUMBER OF SUB-SPECIALTIES.
FOR EXAMPLE:

70 % of my practice is devoted to . . .

Criminal Law	RATE
Capital Cases	TBD
Felonies	\$2500 min
Misdemeanors	\$750 min
Juvenile	TBD
Appeals	TBD

What are your qualifications to handle the above matters?

(Such as State Bar Certified, 10 years experience as DA etc.)

If the client asks, we will give him/her the information you supply here.

30 % to . . .

Family Law	RATE
Paternity	175/hr
Custody	175/hr
Dissolu	175/hr
Dependency	150/hr

What are your qualifications to handle the above matters?

USE EXTRA SHEETS IF NECESSARY TO SUPPLY US WITH THE INFORMATION THAT WILL
TELL THE CLIENT THAT YOU ARE THE ATTORNEY THEY SHOULD HIRE such as your major
clients and major cases you have handled making new law or headlines.

The sub-specialties on the example Panel Information Form are not exhaustive. Please feel free
to add as many sub-specialties as you wish.

If you have any questions, please call the referral office at (310) 553-4022.

QUALIFICATION STANDARDS FOR THE MEDIATION EXPERIENCE PANEL
OF THE BHBA LAWYER REFERRAL & INFORMATION SERVICE

A) GENERAL QUALIFICATIONS AND REQUIREMENTS APPLICABLE TO ALL
APPLICANTS:

1) All panelists must have minimum malpractice insurance currently required by the State Bar for membership on the Lawyer Referral Service AND an endorsement or policy covering acts of Mediation. Proof of coverage must be included with the application materials.

2) All panelists will be required to supply non-confidential information to the Referral Service for statistical, demographic and research purposes on a form provided by the Referral Service.

3) All panelists must sign the Beverly Hills Bar Association A.D.R. pledge.

B) ADDITIONAL REQUIREMENTS TO QUALIFY FOR LAWYERS WHO WISH TO
SERVICE AS CONSULTANTS TO CLIENTS IN THE MEDIATION PROCESS.

1) Three (3) hours of mediation training which meet the requirements of the Dispute Resolution Act (DPRA) by trainers who qualify as D.P.R.A. providers or an equivalent training.

List Program or Training _____

C) ADDITIONAL REQUIREMENTS TO QUALIFY FOR THE MEDIATOR'S PANEL:

2) Lawyers who have acted as trainers and instructors for an aggregate of no less than three years or more at colleges or universities or in private programs that meet D.P.R.A. requirements; or

List Program _____

3) Lawyers who have mediated for an aggregate of no less than two years and have completed eight mediations (exclusive of court mandated mediation and settlement conferences) and have completed no less than six (6) hours of mediation training which meet the requirements of the D.P.R.A. providers or an equivalent training.

List Program or Training _____

I CERTIFY UNDER THE PENALTY OF PERJURY PURSUANT TO THE LAWS OF THE
STATE OF CALIFORNIA THAT I MEET THE REQUIREMENTS FOR THE SECTIONS
INDICATED.

Date: _____

Signed: _____

Print Name _____

QUALIFICATIONS FOR EXPERIENCED PANEL MEMBERS
OF THE BHBA LAWYER REFERRAL & INFORMATION SERVICE

- A. Current Certification as a criminal law specialist by the California Board of Legal Specialization;
- B. Each of the following:
1. EDUCATION: An applicant shall have attended, either as student or teacher, programs of study relating to the practice of criminal law aggregating, during the two (2) years immediately preceding the application and every 2 years thereafter, no fewer than six (6) hours; and
 2. EXPERIENCE: An applicant shall have the following experience to handle the following types of criminal cases:
 - a. Misdemeanor Cases (excluding Misdemeanor Homicide)
In order to be referred any misdemeanor cases, the applicant must qualify for Part b below, or, during the two years proceeding the date of the application, and every 2 years thereafter, have been lead trial counsel, and prepared or supervised the preparation of all papers in connection with at least two (2) criminal jury trials through verdict.
 - b. Misdemeanor Homicide and Felony Cases
In order to be referred any misdemeanor homicide or felony cases (except cases described in parts c or d below), during the two years immediately preceding the application, and every 2 years thereafter, applicant must have been lead trial counsel, and prepared or supervised the preparation of all papers in connection with at least two (2) Federal and/or State Court felony jury trials through verdict, or one (1) felony homicide jury trial through verdict.
 - c. Felony Homicide Cases
In order to be referred any felony homicide cases, during the two years immediately proceeding the date of the application, and every 2 years thereafter, applicant must have been lead trial counsel, and prepared or supervised the preparation of all papers in connection with at least one (1) felony homicide jury trial through verdict.
 - d. Appeals
In order to be referred any cases involving appeals relating to areas of law described above, applicant must qualify for referrals in such section, and, during the two years immediately proceeding the date of application, and every 2 years thereafter, shall have performed all legal work in connection with at least one appeal involving such subject matter in which briefs were filed and an opinion rendered.
- C. If an applicant can prove to the satisfaction of the Committee that, although the specific standards set forth above are not met, the applicant has equivalent knowledge, ability, and experience in the area, the Committee has the discretion to modify the above requirements.
- D. Any attorney wishing to join the panel shall attest to his/her qualifications every two years on a form prepared by the Committee.
- E. At any time, upon request of the Service or Committee, the applicant shall demonstrate compliance with the requirements for membership on the Criminal Law experience panel by providing in writing whatever information is required.
- F. Referrals in Criminal Law shall only be made to members of the experience panel.

I CERTIFY UNDER THE PENALTY OF PERJURY PURSUANT TO THE LAWS OF THE STATE OF CALIFORNIA THAT I MEET THE REQUIREMENTS F SECTIONS B1 and (Circle all that apply) B2 (a) (b) (c) (d) ABOVE.

I AM CERTIFIED AS A CRIMINAL LAW SPECIALIST BY THE BOARD OF LEGAL SPECIALIZATION.

Date: _____

Signed: _____

Print Name _____

TO: Prospective LRIS Panel Members

FROM: Derek W. Dixie
LRIS Director

RE: Certification Statement

In order to comply with the provisions of §43.95 of the Civil Code, as amended, effective January 1, 1981 and thereafter, the Lawyer Referral & Information Service of the Beverly Hills Bar Association is required to disclose the nature of any disciplinary action taken by a state licensing agency against a professional member of which it has knowledge. Enclosed is a Certification Statement which must be completed by all members actively serving on the LRIS panels.

Please complete and return the enclosed document with your application in order to become an active member of the referral service. If you have any questions, please feel free to contact our office.

Thank you for your cooperation.

CERTIFICATION STATEMENT

I hereby certify that I am a member, in good standing, of the State Bar of California, have not been convicted of any crime involving moral turpitude, have not been involuntarily removed from this or any other Lawyer Referral Service within the immediately preceding two (2) years and, except as disclosed below, there has been no disciplinary action taken against me by a state licensing agency.

Exceptions: (do not include disciplinary proceedings which resulted in no disciplinary action being taken against you)

Date of Action: _____

State Agency: _____

Nature of Action: _____

(Use additional pages as required)

I understand that any action which is reported in the exceptions section of this Certification Statement or any attachments will be disclosed to each person who is to be referred to me by the Lawyer Referral & Information Service of the Beverly Hills Bar Association, in accordance with the provisions of Civil Code section 43.95(b).

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____

On _____, 20_____.

Signature

Print Name

To: Prospective LRIS Panel Members
From: Derek W. Dixie, LRIS Director
Re: Errors and Omissions Insurance

As stated in the application for membership in the Beverly Hills Bar Association Lawyer Referral & Information Service, the State Bar requires that each member of the panel carry Errors and Omissions Insurance in the minimum amount of \$100,000/300,000.

As evidence of coverage, we request either a copy of the Declaration page of your policy or a Certificate of Insurance (obtainable through your agent).

Your application will not considered complete without this information. If you have any questions regarding the foregoing, please do not hesitate to contact our offices.

Thank you for compiling with this requirement.

ATTENTION: IF YOU DO NOT PRESENTLY HAVE MALPRACTICE INSURANCE, COVERAGE IS AVAILABLE THROUGH LAWYER'S MUTUAL TO COVER YOU FOR ALL MATTERS REFERRED TO YOU BY THE BHBA/LRIS AND THEREBY MEET THIS REQUIREMENT. THE ANNUAL PREMIUM IS \$300.00. CALL 800.252.2045 FOR FURTHER INFORMATION.

BEVERLY HILLS BAR ASSOCIATION
LAWYER REFERRAL & INFORMATION SERVICE
300 S. Beverly Drive, Suite 201
Beverly Hills, CA 90212
Telephone: 310.553.4022 Fax: 310.284.8290

AS AMENDED March 14, 1990

RULES

I. PURPOSE

The Beverly Hills Bar Association Lawyer Referral & Information Service ("Service") is a non-profit organization 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 person who process the requests for legal assistance, make 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 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 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 of 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 the 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 the 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 the 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 or 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;
 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 therefore. 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, 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;
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, and 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 irreconcilable, 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.

**Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services
Including Minimum Standards for a Lawyer Referral Service in California
Effective January 1, 1997**

Rule 1. Purpose of Rules

1.1 The purpose of these Rules and Regulations Including Minimum Standards ("Rules") is to establish minimum standards for the operation of Lawyer Referral Services and facilitate the enforcement of Business & Professions Code §6155 pertaining to Lawyer Referral Services.

Rule 2. Citation of Rules

2.1 These Rules shall be cited and referred to as the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services Including Minimum Standards for Lawyer Referral Services in California ("Rules"). With the approval of the Supreme Court, these Rules are subject to amendment, repeal or other action by the Board of Governors of the State Bar of California.

Rule 3. Policy of the State Bar Regarding Lawyer Referral Services

3.1 It is the policy of the State Bar of California that every community be served by one or more certified Lawyer Referral Service. Where the size of the community or the number of lawyers serving it make the establishment of a separate Lawyer Referral Service impractical, the State Bar encourages the establishment of a regional Lawyer Referral Service embracing two or more such communities, subject to Rule 8.2 which requires separate certification for each county in which a Lawyer Referral Service operates.

3.2 It is also the policy of the State Bar of California that activities in violation of these Rules, the Business & Professions Code, or other authorities pertaining to Lawyer Referral Services, be curtailed.

Rule 4. Definition of a Lawyer Referral Service

4.1 "Lawyer Referral Service" means an individual, partnership, corporation, association, or any other entity, or a service or agency of an entity, which operates for the direct or indirect purpose of referring potential clients to lawyers, whether or not the term "referral service" is used. This definition shall not apply to those entities or persons exempted by Business & Professions Code §6155, subdivision (c) or (h).

4.2 "Entity" means an individual, partnership, corporation, association or any other form of organization.

4.3 A Lawyer Referral Service shall be comprised of these separate parts:

- (a) A staff which processes the requests for legal assistance;
- (b) A panel of lawyers who provide legal assistance; and
- (c) A committee or governing body as defined in Rule 10.1.

Rule 5. Purposes of a Lawyer Referral Service

5.1 The purposes of a Lawyer Referral Service shall be:

- (a) to provide a way in which any person may be referred to a qualified, insured 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 the public in their selection of a lawyer;
- (c) to inform the public when and where to seek legal and dispute resolution services;

(d) to provide general, legal and dispute resolution information needed by the public;

(e) to improve the quality of legal services available to the public; and

(f) to provide access to affordable legal services to the public.

Rule 6. Application for Certification to Operate a Lawyer Referral Service

6.1 Application for certification or recertification as a Lawyer Referral Service shall be made on a form supplied by the State Bar which from time to time may be amended by the State Bar. Certification shall be granted only upon a showing that the Lawyer Referral Service has complied with each of these Rules, Business & Professions Code §6155 and other relevant authorities.

6.2 All applications, reports and other documents required to be filed with the State Bar by Lawyer Referral Services shall be signed and verified by the owner or duly authorized agent of the Lawyer Referral Service and filed at the State Bar's Lawyer Referral Services Certification Program in San Francisco, California.

6.3 Applications for first time certification may be filed at any time during the year. Applications for recertification must be submitted in conjunction with the filing of the annual report to the State Bar pursuant to Rule 15.2.

6.4 For the purpose of determining whether an application is timely, the application shall be deemed submitted when actually delivered to the State Bar's Lawyer Referral Services Certification Program in San Francisco or when deposited in the United States mail, first class postage prepaid, addressed to the Lawyer Referral Services Certification Program, State Bar of California in San Francisco.

6.5 The Chief Executive Officer of the State Bar or a person or persons designated by the Chief Executive Officer shall review each application and within a reasonable time thereafter approve or deny the application and notify the applicant of the reasons therefore, or seek additional information regarding an incomplete or insufficient application. If the application is determined to be complete and in compliance with these Rules and other applicable authorities, a certificate of compliance shall be issued. This review may include an investigation and administrative audit as provided in Rule 16.

6.6 The applicant shall be notified in writing if an application is incomplete or deficient. If an applicant fails to complete the application or correct any deficiency within sixty (60) days of written notification, the application shall be deemed withdrawn without a refund of the fee except as provided in Rule 9.

Rule 7. Denial of Application for Certification to Operate a Lawyer Referral Service

7.1 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, may deny an application for certification or recertification for failure to submit a complete and sufficient application, for failure to demonstrate full compliance with these Rules and other applicable authorities, or for other good cause. Cause for denial of certification or recertification shall include but not be limited to:

(a) Noncompliance with any provision of the statutes, these Rules or other authorities governing Lawyer Referral Services;

(b) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers;

(c) Direct or indirect consideration regarding referrals between an owner, operator or member of a Lawyer Referral Service and any licensed or unlicensed health care provider; or

(d) Advertising or soliciting on behalf of attorneys in violation of the Rules of Professional Conduct.

7.2 Written notice of the denial of the application and of the reason(s) for the denial shall be served by mail upon the applicants. Notice shall also be given to the panel attorneys listed in the application.

7.3 An applicant may request review of the denial of its application within thirty (30) days of the date of the notice of denial. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the

position of the applicant. The request shall be considered by a subcommittee appointed by the Board of Governors or another committee appointed for this purpose by the Board of Governors. The subcommittee shall provide the Lawyer Referral Service with an opportunity to be heard consistent with due process requirements.

7.4 Upon the completion of such consideration, the subcommittee shall 1) certify the Lawyer Referral Service with or without conditions as the subcommittee determines appropriate; 2) request further information or amendment to the application; or 3) decline to certify the Lawyer Referral Service.

7.5 The subcommittee shall report in writing its findings, determinations and reasons for its determinations. A copy of that report shall be served by mail upon the applicant.

7.6 An applicant may request review of the action of the subcommittee within thirty (30) days of service of the report of the subcommittee. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Applicant. The request shall be considered by the Board Committee on Legal Services or another committee appointed by the Board of Governors for this purpose. The Board Committee shall review the determinations of the subcommittee. It may hold hearings as it deems appropriate.

7.7 The Board Committee shall record in writing its findings and determinations and make such additional comments as it deems appropriate. Notice of such action shall be served by mail upon the applicant.

7.8 Any further review of the issues shall be in accordance with rule 952(d), California Rules of Court.

Rule 8. Certification

8.1 Certification shall be for no more than two years from the date issued or for such shorter periods of time as may be determined by the State Bar. Certification shall be renewed every two years or for such shorter periods of time as may be determined by the State Bar, by the filing of a recertification application.

8.2 If a Lawyer Referral Service operates in more than one county, it shall apply for separate certification for each county in which the Lawyer Referral Service operates and fulfill these Rules for each county. For the purpose of this Rule, a Lawyer Referral Service "operates" in a county if it makes referrals to attorneys in that county.

A Lawyer Referral Service will not be required to establish a separate office in each county in which it operates. For the purposes of this Rule, District 1 will be considered as if it were one county. State Bar District 1 counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba.

This requirement may be waived if the Lawyer Referral Service presents written evidence to the State Bar that good cause exists for not fulfilling all these Rules for each county in which it operates.

8.3 If an application for recertification is timely completed and filed, the existing certification shall continue in effect until recertification is issued or denied, or until the existing certification is suspended or revoked pursuant to Rule 19.

8.4 If certification is not renewed or is revoked pursuant to Rule 19, it shall expire and terminate. All activities subject to certification must cease upon the expiration of certification, non-renewal of certification or upon notice of revocation of certification, unless certification is extended pursuant to Rule 8.3.

8.5 Denial of an application for first time certification shall not prohibit the filing of a new application. Upon reapplication, the applicant must demonstrate full compliance with all requirements for certification. The fee for reapplication shall be the same as for application.

8.6 Upon the expiration or revocation of certification or following denial of an application for recertification, an applicant may re-apply for certification but must do so in accordance with the Rules pertaining to first time certification.

Rule 9. Fees

9.1 An applicant for certification or recertification shall pay, as a condition to the filing of an application, fees established by the Board of Governors, in such reasonable amounts as may be determined, and from time to time modified, by the Board of Governors.

9.2 Such fees shall be determined, in whole or in part, by a consideration of any combination of the following factors: a Lawyer Referral Service's gross annual revenues, number of panels, number of panel members, amount of fees charged to panel members, or for-profit or non-profit status; provided that such application or recertification fees not exceed ten thousand dollars (\$10,000) or one percent (1%) of the applicant's gross annual revenues generated by lawyer referral activity, whichever is less.

9.3 Certification and recertification fees not paid within thirty (30) days after due shall be delinquent and shall be subject to late charges in such reasonable amounts as may be determined, and from time to time modified, by the Board of Governors.

9.4 Written notice of delinquent fees shall state: the amount of the unpaid fee; the amount of any late charges; that failure to pay all fees due including late charges may result in suspension or revocation of certification; and that a certified Lawyer Referral Service may voluntarily relinquish certification in lieu of suspension or revocation.

9.5 Certification may be revoked due to failure to pay fees after written notice of delinquency.

9.6 If an application is withdrawn in writing within twenty (20) days after submission, fifty percent (50%) of the application fee shall be refunded. There shall be no refund of fees after that period of time.

9.7 An applicant may request in writing a waiver or reduction of fees based on financial necessity. The State Bar shall approve or deny the request for waiver or reduction of fees based on a consideration of, among other factors, the Lawyer Referral Service's gross annual revenues, panel size, geographic area served, and length of time in operation.

Rule 10. Ownership and Supervision

10.1 The Lawyer Referral Service shall be supervised in its establishment and operation by a Governing Committee ("Committee") consisting of a minimum of three (3) members, having authority to make decisions necessary to operate the Lawyer Referral Service. At least 50% of the Committee shall be active members of the State Bar of California, and at least 50% of the Committee shall not receive referrals from the Lawyer Referral Service.

10.2 The Committee shall meet at least quarterly and shall review the annual report submitted by the Lawyer Referral Service pursuant to Rule 15.2.

10.3 The Committee shall also conduct and annually review the results of a random sampling of at least 10% of the clients referred to attorneys as to the client's satisfaction with the attorney's handling of the case and whether the client felt the fee charged was reasonable. Based on its review, the Committee shall make such alterations to the operation of the Lawyer Referral Service as it deems necessary.

10.4 A Lawyer Referral Service shall not be owned or operated, directly or indirectly, wholly or in part, by those lawyers to whom, individually or collectively, more than 20 percent of referrals are made. For purposes of this subdivision, a Lawyer Referral Service that is owned or operated by a bar association shall be deemed to be owned or operated by its Governing Committee so long as the Governing Committee is constituted and functions in the manner described by these Rules.

10.5 A Lawyer Referral Service shall establish and provide, to each client referred to an attorney, an address and telephone number in his or her county to which complaints about the Lawyer Referral Service or its attorneys may be directed, and shall inform clients that any unresolved complaints should be addressed to the State Bar of California.

Rule 11. Eligibility and Approval of Panel Attorneys

11.1 (a) Membership on any panel operated by the Lawyer Referral Service shall be open to all active members of the State Bar of California practicing in the geographical area served who are qualified by virtue of suitable experience in conformity with Rule 12.2. Attorney registration and membership fees shall be limited to reasonable amounts and shall encourage widespread attorney membership. Those Lawyer Referral Services with total registration and panel membership fees in excess of \$1,000 per month will be required to demonstrate that fees are reasonable and encourage widespread attorney membership. The factors which may be considered in evaluating the reasonableness of membership fees include, but are not limited to, the following:

- (1) the number of attorneys in the geographic service area as well as the number of attorneys applying to be members of the Lawyer Referral Service who are accepted and who are rejected;

- (2) the cost of advertising, operations and member services;
- (3) the panel membership fees of other certified Lawyer Referral Services operating in the same area;
- (4) the number of attorneys who are members of the Lawyer Referral Service and the number of clients served by members of the Lawyer Referral Service;
- (5) the nature and extent of programs for persons of limited means pursuant to Rule 12.5 undertaken by the Lawyer Referral Service.

(b) Membership on a panel may not be made contingent upon membership in a sponsoring entity; however, a separate, nominal administrative charge may be made to non-members of the sponsoring entity to reimburse the entity for its administrative services.

(c) Any arrangement, promise, agreement or understanding for or purchase by an attorney of more than one contract with the same Lawyer Referral Service or for the same subject matter panel of that Lawyer Referral Service is grounds for denial of certification or recertification or for decertification.

(d) Panel membership fees shall not be set with any representation, promise, agreement, understanding or guarantee to attorneys of a minimum number of contacts, calls, cases, referrals or clients or any arrangement or practice by a Lawyer Referral Service which directly or indirectly produces a guaranteed number of contacts, calls, cases, referrals or clients, including but not limited to: compensation for rejected referrals; free or reduced-fee extension of the attorney's contract with the Lawyer Referral Service; representation of referrals based upon past averages or formulas. Lawyer Referral Services may disclose actual past performance when the information is accurate, complete and not misleading.

11.2 Each attorney member of a Lawyer Referral Service panel shall agree in writing to abide by all rules and regulations of the Lawyer Referral Service including the requirement that each panel member submit any fee dispute arising between such member and a client referred by the Lawyer Referral Service, if the client so elects, to binding arbitration by a Fee Arbitration Committee of a bar association or other established Fee Arbitration Committee established pursuant to Business & Professions Code §§6200 et seq., or by means otherwise acceptable to the State Bar.

11.3 Each Lawyer Referral Service shall require each panel member to possess a policy of errors and omissions insurance in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year. Proof of insurance shall be provided to the State Bar upon request.

11.4 The Governing Committee or its designee shall establish a method of review for continued panel membership. Such review shall be conducted at least once every two years and shall evaluate the quality of services provided by member attorneys.

11.5 Each Lawyer Referral Service shall establish a uniform procedure to review refusals to admit an attorney to, and decisions to suspend or remove an attorney from, membership on any panel. In every case where a Lawyer Referral Service refuses to admit an attorney to a panel or suspends or expels an attorney from a panel, the Lawyer Referral Service must give the attorney a written statement of the reasons for its decision and offer the attorney a meaningful opportunity to be heard.

11.6 Each Lawyer Referral Service shall provide every panel member with a copy of these Rules.

Rule 12. Organization of Panels

12.1 Each Lawyer Referral Service shall establish such number and variety of panels as it determines will best enable the Lawyer Referral Service to make referrals that are responsive to individual client needs, pursuant to Rule 5.1.

12.2 Each Lawyer Referral Service shall establish one or more specific subject matter panels, and is encouraged to establish moderate and no fee panels, foreign language panels, alternative dispute resolution panels, and other special panels which respond to the referral needs of the consumer public, eligibility for which shall be determined on the basis of experience and other substantial objectively determinable criteria. Any attorney who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification. A Lawyer Referral Service may maintain a general panel.

12.3 For each subject matter panel, the Committee shall establish and file with the State Bar standards and procedures for:

- (a) determining the qualifications for membership on the subject matter panel;
- (b) reviewing the qualifications of a member to remain on or to be removed from the subject matter panel; and
- (c) appealing decisions to suspend or remove a member from the subject matter panel, pursuant to Rule 11.5.

12.4 Each subject matter panel established must have a minimum of four (4) attorney panel members. This requirement may be waived if the Lawyer Referral Service presents written evidence to the State Bar of California that good cause exists to have fewer than four (4) attorney members.

12.5 In an attempt to increase access to the justice system for all Californians, the Lawyer Referral Service shall establish separate ongoing activities or arrangements that serve persons of limited means, unless it can demonstrate that it is unreasonable and impractical to do so. These activities or arrangements may include, but are not limited to programs that: provide free legal services to indigents; provide legal services at a reduced fee; and provide free legal advice and clearing house referral services to the public; or other cooperative efforts with existing pro bono programs.

To determine whether it is unreasonable and impractical for a Lawyer Referral Service to comply with this section, the following factors, among others, may be considered:

The financial resources of the Lawyer Referral Service, size of staff, total number of panel attorneys, the specialty areas of attorney members of the Lawyer Referral Service, the fees charged by the attorney members to clients of the Lawyer Referral Service, and the needs of the community, including the existence and accessibility of other local pro bono or legal services programs able to meet these needs.

12.6 There must be a minimum of twenty (20) attorney members to whom referrals can be made, and at least ten (10) attorney panel members must be from separate and independent law firms. This requirement may be waived or modified if the Lawyer Referral Service presents written evidence to the State Bar that good cause exists based on the local population, the attorney population or the geographic area to be served.

Rule 13. Referral Procedures

13.1 The Governing Committee shall establish rotational procedures to assure that each referral is made in a fair and impartial manner. To the extent feasible, such procedures shall be designed to respond to all circumstances of the client, including the type of the legal problem presented, geographic convenience and language needs.

The Lawyer Referral Service shall not operate so that all referrals from a specific geographical area are made to a single lawyer or law firm.

Failure to rotate sequentially all referrals to lawyers on the panel and/or failure to keep and maintain complete, current and continuous records of all referrals made to attorneys are grounds for denial of certification or recertification or for decertification.

13.2 No referral shall discriminate on the basis of race, color, sex, age, religious creed, national origin, ancestry, sexual orientation, disability, medical condition, marital status, political affiliation or veteran status.

13.3 No referral shall be made which violates any provision of the State Bar Act or Rules of Professional Conduct, including, but not limited to, restrictions against unlawful solicitation and false and misleading advertising.

13.4 The staff persons making the referrals and processing the requests for legal assistance may not be employees of any attorney to whom referrals are made.

13.5 A Lawyer Referral Service shall not be principally operated by a telephone answering service or device.

Rule 14. Publicity

14.1 Any publicity program or advertising developed, maintained or utilized by a Service shall promote the purposes of a Lawyer Referral Services as set forth in Rule 5. A copy of all materials used in publicity programs, advertising or other disseminations to the public shall be filed with the State Bar with any application for certification or recertification, and with the Lawyer Referral Service's annual report upon request of the State Bar.

14.2 The form and content of all publicity of the Lawyer Referral Service shall not be false or misleading and shall comply with the standards for such publicity defined in the Rules of Professional Conduct and Business & Professions Code. For the purpose of public information and evaluation of the Service and its advertising, all advertising shall include the identity of the sponsor(s), the fact that it is a Lawyer Referral Service, the counties in which it operates and the State Bar Certification number of the Lawyer Referral Service.

Rule 15. Records and Reports

15.1 Each Lawyer Referral Service shall maintain and provide to the State Bar, upon request, current records of its operation including at least the following information:

- (a) the name, address and pertinent qualifications of each panel member and the number and types of matters referred to each panel member;
- (b) 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;
- (c) the total fees the Lawyer Referral Service requires of its panel attorneys, including but not limited to: registration fees to join the Lawyer Referral Service; fees paid to belong to each panel an attorney elects to join; referral or consultation fees remitted back to the Lawyer Referral Service; forwarding fees; advertising fees or other miscellaneous fees paid by the panel attorney to the Service.

15.2 The Committee of each Lawyer Referral Service shall file with the State Bar an annual report on the activities of the Service and of the Committee. Such report shall include at least the following:

- (a) statistics derived from the operating records required by Rule 15.1 and what, if any, alterations have been made in the conduct of the Service by the Committee pursuant to Rule 10.3;
- (b) a detailed accounting of all sources and amounts of income to the Service, all expenses related to the operations and promotion of the Lawyer Referral Service, the amount of current reserves held by the Lawyer Referral Service, and the specific disposition over the past two years of any reserves and/or surpluses derived from the Lawyer Referral Service; and
- (c) the number of cases sampled pursuant to Rule 10.3, together with the results of the random sampling.

15.3 Failure to file the annual report by the recertification due date without a showing of good cause to the State Bar shall result in the immediate withdrawal of certification to operate a Lawyer Referral Service.

15.4 All documents, records, communications, and other materials from or pertaining to a Lawyer Referral Service, including its application for certification, shall become the property of the State Bar and shall be held in confidence and not released except upon prior order of the Board of Governors or by consent of the applicant.

Rule 16. Investigative Audits

16.1 Prior to certification or recertification and/or waiving the application or renewal fee under Rule 9.7, the State Bar of California shall review and conduct an investigation and administrative audit of each Service, as the State Bar deems appropriate and as resources allow, to determine and assure compliance with these Rules.

16.2 The State Bar shall have the right at any time to conduct an audit or investigation of any Service. Any audit or investigation under Rule 16 shall be at the Service's expense. The Service and its sponsoring entity shall have the obligation to cooperate fully therewith.

Rule 17. Fees Charged by a Lawyer Referral Service

17.1 A Lawyer Referral Service may require that:

(a) Each panel member pay to the Lawyer Referral Service a registration fee, "referral" or "percentage" fee (computed on a percentage basis or otherwise), or other like participating fee, or any two or more of such fees, as a condition of panel memberships, provided that such membership fees are reasonable and do not discourage widespread attorney membership;

(b) Each panel member pay the Lawyer Referral Service a referral, initial consultation or similar fee, or any two or more of such fees, as a condition of referral; provided, however, that no Lawyer Referral Service may require any fee that is, or any combination of fees that are, either in conflict with statutory or other legal provisions for the award of attorney fees or unreasonable, whether those fees be required of applicants, panel members or both. A Lawyer Referral Service is prohibited from charging a combination of fees which increases the client's cost for legal services beyond that which he or she would normally pay, or decreases the quantity or quality of services which he or she would otherwise receive, absent involvement of the Lawyer Referral Service.

17.2 The income generated by a non-profit Lawyer Referral Service shall be used only to pay reasonable operating expenses of the Service and/or to fund programmatic public service activities of the Service or its sponsoring entity, including the delivery of pro bono legal services.

Rule 18. Complaints

18.1 Complaints regarding Lawyer Referral Service activity must be in writing and submitted to the State Bar's Lawyer Referral Services Certification Program at the State Bar's San Francisco address. Complaints must provide sufficient factual information for the State Bar to determine if the complaint establishes a violation of these Rules or other applicable authorities.

18.2 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, shall review all complaints and within a reasonable time thereafter determine what action, if any, is appropriate. The complainant shall be entitled to notice of what action, if any, is taken in connection with the complaint. The State Bar shall provide the entity complained against with written notice of the complaint and an opportunity to respond when it appears that a violation of these Rules or other applicable authorities is involved.

18.3 Upon receipt, a complaint shall become the property of the State Bar. Complaints and investigations shall remain confidential until service of written notice of intent to revoke or suspend certification.

Rule 19. Revocation or Suspension of Certification

19.1 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, may revoke or suspend certification for failure to demonstrate full compliance with these Rules or other applicable authorities, or for other good cause including but not limited to:

(a) Noncompliance with any provision of the statutes, these Rules or other authorities governing Lawyer Referral Services;

(b) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers;

(c) Direct or indirect consideration regarding referrals between an owner, operator or member of a Lawyer Referral Service and any licensed or unlicensed health care provider; or

(d) Advertising on behalf of attorneys in violation of the Rules of Professional Conduct.

19.2 Revocation or suspension may include an investigation and administrative audit as provided in Rule 16.

19.3 Written notice of intent to revoke or suspend certification and of the reason(s) for such action shall be served by mail upon the Lawyer Referral Service.

19.4 A Lawyer Referral Service may request review of a determination to suspend or revoke certification within thirty (30) days of written notice of the intent to revoke or suspend. The request must be in writing, set forth the reasons review is

sought and include all relevant evidence supporting the position of the Lawyer Referral Service. The request shall be considered by a subcommittee appointed by the Board of Governors or another committee appointed for this purpose by it. The subcommittee shall provide the Lawyer Referral Service with an opportunity to be heard consistent with due process requirements.

19.5 Upon the completion of such consideration, the subcommittee shall 1) revoke or suspend a certificate of compliance; 2) request further information; 3) decline to revoke or suspend a certificate of compliance, with or without conditions as the subcommittee may determine appropriate.

19.6 The subcommittee shall report in writing its findings, determinations and reasons for its determinations. A copy of that report shall be served by mail upon the Lawyer Referral Service, and the affected panel attorneys shall be given notice of any adverse action taken.

19.7 A Lawyer Referral Service may request review of the action of the subcommittee within thirty (30) days of service of the report of the subcommittee. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Lawyer Referral Service. The request shall be considered by the Board Committee on Legal Services or another committee appointed by the Board of Governors for this purpose. The Board Committee shall review the determinations of the subcommittee. It may hold hearings as it deems appropriate.

19.8 The Board Committee shall record in writing its findings and determinations and make such additional comments as it deems appropriate. Notice of such action shall be served by mail upon the Lawyer Referral Service.

19.9 Any further review of the issues shall be in accordance with rule 952(d), California Rules of Court.

19.10 During the pendency of proceedings pertaining to suspension or revocation of certification, the existing certification shall remain in effect, subject to directives from the subcommittee or Board Committee based on appropriate findings.