

Allegheny County Bar Association

*Raising the Bar
on Legal and Community Service*

Rules and Procedures Lawyer Referral Service

Koppers Building, 436 Seventh Ave., 3rd Fl., Pittsburgh, Pennsylvania 15219

1. PURPOSE—The purpose of the Lawyer Referral Service (LRS) is to provide, as a public service, a service through which a person, either by telephone or in person at the LRS office, may be referred to an attorney who is able to render and is interested in rendering legal services or referred to an appropriate agency.

2. THE COMMITTEE—The LRS Committee is charged with:

- A.** Developing and recommending to the Allegheny County Bar Association (ACBA) Board of Governors policies, rules and procedures for the operation of the LRS; and
- B.** Oversight of the ACBA's administration of the LRS program.

The Committee will be composed of members of the ACBA who are appointed by the President of the ACBA.

3. REQUIREMENTS OF THE PARTICIPANT PANEL MEMBER—

A. To qualify for membership on the LRS panel, an attorney must:

- 1.** Have available a law office in Allegheny County where confidential meetings with clients may take place, and be actively engaged in the practice of law; and
- 2.** Carry, and continue to carry, professional liability insurance substantially equivalent to the coverage endorsed by the ACBA.

B. Because each member's relationship with a referred person reflects upon the LRS and on the ACBA, a member to whom any person has been referred shall carry on any relationship with the person in a professional and business like manner in all respects, consistent with the Pennsylvania Rules of Professional Conduct.

C. Each prospective member shall submit an application and abide by the rules set forth herein and on the application form and shall pay a fee, as established by the ACBA.

D. The applicant shall indicate not more than 20 areas of law in which the applicant desires to accept referrals.

E. In accepting the application form from any applicant, the LRS may require such information and certification as it deems necessary.

F. The Committee may at any time conduct further investigations and require further information bearing upon the responsibility, capability, character and integrity of any applicant or member. The Committee may also require such information as it deems necessary in accepting the application or continuing the membership of any applicant or member.

G. The applicant, upon receiving an additional services case, agrees to submit a copy of the fee agreement signed with the client for said case.

H. Each member agrees:

- 1.** To permit any dispute concerning fees arising from a referral to be submitted to binding arbitration by the Special Fee Dispute Committee of the ACBA;
- 2.** To grant all persons referred by the LRS an appointment as soon as practicable after the request is made;
- 3.** To abide by all the rules of the LRS, and in no event to hold, or claim to hold, the LRS or the ACBA, or any of their officers, members or employees, liable for the operation of the LRS, or for the use of the information contained in the member's application;
- 4.** To annually certify to the LRS that the member has not been suspended from the practice of law or found to be in violation of the Pennsylvania Code of Professional Responsibility during the past year.

4. FAILURE TO COMPLY WITH THE LRS RULES—

A. 1. An applicant or member may be denied membership on the panel or suspended from the panel if the applicant or member has failed to pay any fee, failed to make such reports as are required by the LRS, failed to meet with the person referred to him or her, failed to continue to meet the requirements of Rule 3.A., or has been suspended or disbarred from the practice of law.

2. An applicant or member denied membership or suspended under Rule 4.A.1. may apply to the LRS Committee for membership or reinstatement after proof that he or she has complied with the requirements contained therein.

B. 1. An applicant or member may be denied membership on the panel or suspended from the panel by the LRS Committee if:

- a.** He or she has signed any application or any other certification or report to the LRS which has been found to be untrue in any material respect; or

b. The LRS Committee receives notice or information giving it reasonable grounds to believe that an applicant or member does not meet the reasonable standards of responsibility, capability, character or integrity; or

c. The LRS Committee finds the applicant or member to be unsuitable for panel membership.

2. Before finding any violation of Rule 4.B.1., the LRS Committee must provide an applicant or member an opportunity to be heard, including providing reasonable notice and a hearing. At the hearing, a majority vote of the LRS Committee members present will be necessary to deny membership or suspend a member for violation of Rule 4.B.1.

3. An applicant or member denied membership or suspended under Rule 4.B.1. may apply to the LRS Committee for membership or reinstatement on the panel. Membership or reinstatement shall be permitted upon the approval of the majority of the members of the LRS Committee present at the next scheduled meeting.

C. All matters arising out of Rules 4.A. and B. concerning members or applicants will be held confidential but may be referred to the ACBA Board of Governors, where appropriate.

5. OPERATION OF THE PANEL—

A. Procedures will be established which assure that each referral is made in a fair and impartial manner to an appropriate member of the LRS panel. Such procedures should be designed so as to respond, if possible, to the circumstances of the matter, including the subject of the legal problem presented, geographical convenience and language needs.

B. No referral shall be made on the basis of race, gender, age, religion, national origin, or disability status.

C. No referral shall be made to any employee of the LRS or to his or her associates or employees, and all referrals shall be made to the next available member in the appropriate area of law.

D. The person referred shall be furnished with written explanatory information relative to LRS referrals, including information about the first consultation fee to be paid and the extent of legal services which will be rendered for such fee.

E. Members will accept any referral for initial consultation of any matter within any of the member's designated areas of law. However, should any referral give rise to a conflict of interest, a member will contact the LRS to advise that a new referral is necessary. Nothing herein will be construed to obligate a member to accept employment beyond the initial consultation.

F. Each member agrees to consult with the person referred and, except in extraordinary situations, not to refer such person to another attorney. If the situation is deemed extraordinary, the member agrees to first contact the LRS before referring the person to another attorney.

G. A member rejecting initial referrals for any reason will be moved to the bottom of rotation.

H. A member may receive referrals only at a location where the member maintains a law practice.

I. The daily administrative operation and personnel management of the LRS will be under the direction of the LRS Director and the Executive Director of the Allegheny County Bar Association.

6. ACKNOWLEDGMENT AND REPORT OF REFERRALS—The member will complete and return any referral report forwarded by the LRS staff as soon as practicable, no later than the time specified on the report. Failure to return the report within the time specified may justify the LRS in suspending the participant member from the panel per Rule 4.A.1. Nothing herein will require any attorney to violate the Pennsylvania Rules of Professional Conduct.

7. FEE for MEMBERSHIP—Each member will pay to the LRS an annual membership fee of \$150.00 if the member is a member in good standing of the ACBA and \$350.00 if the member is not a member of the ACBA. In addition, each member shall pay to the LRS 15% of the amount by which the total fee received for services performed with respect to the referred matter exceeds \$300.00. Should the member perform services for the person referred with respect to any matter beyond the initial matter, any fees received by the member for such services are subject to this Rule for three years from the date the attorney is retained. The percentage fee requirement shall last so long as the member continues to collect on matters commenced within this time period. Payments required by this Rule shall be due to the LRS within 30 days after receipt by the member. Failure to make timely payments may result in the imposition of late charges and/or suspension from the panel per Rule 4.A.1.

8. RECORDS—The LRS will keep on file a confidential record of all applications submitted by, referrals made to, and reports submitted by each member, which will be subject to examination by the Committee and LRS staff.

9. PUBLICITY—

A. The LRS shall develop and maintain an active publicity program using communications media best designed to inform the general public in Allegheny County of the existence, purpose and advantages of the LRS and the kinds of information and services available. Whenever possible, the public shall be informed as to when to seek legal advice.

B. The form and content of all publicity regarding the LRS shall be dignified and consistent with the Pennsylvania Rules of Professional Conduct.

10. FEES TO BE CHARGED—

A. Each referred person shall pay a fee of \$25.00 for an initial consultation of not more than one half hour, except in certain liability cases. Any fee for additional services shall be determined by mutual agreement between the client and the member, and such agreement shall be reduced to writing and signed by the client and the member. The LRS shall inform the referred person of the substance of this Rule at the time the referral is made.

B. Every member shall establish his/her fees in accordance with the spirit and letter of the provisions of the Rules of Professional Conduct.

11. AREAS OF LAW—A listing of areas of law will be published from which an applicant or member may select or change the areas for which he or she will be available. Attorneys must practice actively in the areas of law selected by them. Any changes in the areas of law must be made in writing.