

RULES OF THE DAUPHIN COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE

I. PURPOSE

- 1.1** The purpose of the Lawyer Referral Service is to assist the general public by providing a way in which any person who can afford to pay a reasonable fee for legal services may be referred to a qualified member of the bar.
- 1.2** The Service should be operated in a spirit of public cooperation and its office should be readily accessible to the public. Its personnel should be impressed with the need to operate The Service in a spirit of friendliness and public service.

II. PLAN OF ORGANIZATION

- 2.1** The Service shall be sponsored by the Dauphin County Bar Association. It shall be operated on the premises of the Association office at 213 North Front Street, Harrisburg, Pennsylvania under the supervision of the Executive Director.
- 2.2** The Service shall be administered by the Public Service and Lawyer Referral Committee hereinafter referred to as "The Committee."

III. THE COMMITTEE

- 3.1** Members of The Committee shall be appointed by the President of the Bar Association. The period of appointment of each member shall be long enough to gain reasonable familiarity with the work of The Service.
- 3.2** The Committee shall meet at regular intervals, at least quarterly.
- 3.3** The Committee shall suggest rules for the conduct and operation of The Service to the Board of Directors of the Dauphin County Bar Association and final rules shall be adopted by the Board. The Committee shall be given full authority to make all decisions necessary to conduct and operate The Service.
- 3.4** The Committee shall have the further responsibility of regularly reviewing these rules, and subject to the approval of the Board of Directors of the Bar Association, making such changes and additions hereto as may, from time to time, be deemed appropriate to carry out the purposes above set forth.
- 3.5** Any actions taken by The Committee may be appealed to the Board of Directors. The Board shall set up procedures whereby such appeals may be taken from action of The Committee if necessary.
- 3.6** The Association shall pay, and may obligate itself to pay, all expenses of the operation of The Service, including the charges of outside agencies or other persons for services or facilities provided to The Service, in such amounts as The Committee determines to be reasonable and necessary. The Association may maintain and pay for liability insurance coverage insuring all persons administering The Service within limits The Committee shall determine.
- 3.7** All receipts of The Service shall be deposited in an Association bank account, and all expenses of The Service shall be paid from such account by checks signed by such persons as are from time to time authorized to draw upon Association funds.

IV. ELIGIBILITY AND APPROVAL OF PANEL LAWYERS

- 4.1** Registration is restricted to members of the Dauphin County Bar Association. Any eligible member lawyer may apply by signing an application form and filing it with The Committee. No person who makes referrals shall be a member of any referral panel.
- 4.2** The Committee shall make provision for registration of lawyers in general practice, for the separate registration of lawyers who prefer to practice in one or more specialized areas of the law, and for the registration of lawyers participating in the Modest Means Panel.

4.3 Each registered lawyer must agree that:

- (a) The information contained in the lawyer's application may be furnished, to the extent The Committee sees fit, to applicants who seek assistance from The Service;
- (b) The lawyer's name may be withdrawn from any or all panels of The Service at any time for good cause shown upon the vote of a majority of all the members of The Committee, subject to the right to appeal this action to the Board of Directors;
- (c) Payment of the annual registration fee shall be made at time of application;
- (d) Participants will abide by all rules of The Service;
- (e) Participants will have and maintain professional liability insurance in the minimum amount of \$100,000;
- (f) Participants will grant an initial consultation (via phone or in person) of up to one half hour at no charge to any prospective client referred by The Service;
- (g) Beyond the initial half-hour consultation, a Participant has no obligation to represent the prospective client; and
- (h) Participants must refer the prospective client back to The Service if the Participant cannot or does not want to be retained by the prospective client.

4.4 In accepting the registration of any lawyer, The Service assumes responsibility for assuring that every registrant, either of the General Panel or of a Special Panel, is a member of the bar in good standing.

4.5 No lawyer shall be disqualified from registration because of the recency of admission to the bar, and The Committee shall encourage registration of younger lawyers particularly as members of The General Panel and the Modest Means Panel.

V. THE PANELS

5.1 All panel attorneys may designate in the application the type of work they will accept, but shall not be permitted to specify an unwillingness to accept referrals according to value of the property or the amount of the claim involved. These Panel designations may be amended at any time.

5.2 Panel lawyers may register as members of the General Panel, Special Panels, and/or the Modest Means Panel. Panel members shall be listed in the order applications are received.

5.3 Membership on a panel shall continue until the member voluntarily withdraws, or until affirmative action is taken by The Committee to terminate the registration after notice and an opportunity to be heard. Committee action terminating the membership of any lawyer must be approved by the Board of Directors of the Dauphin County Bar Association.

5.4 Special panels may be established for each of the divisions of law or law practice for which there appears to be a need. Each of these special panels shall be known as the panel for the particular division (for example: tax panel, patent panel, labor law panel). The Committee shall include in each Special Panel each lawyer who requests inclusion.

VI. REFERRAL SERVICE PROCEDURES

6.1 Each client-applicant's request shall be reviewed by the Director or some other person designated by the Director. The Service shall be organized so that the review may take place either by telephone or online.

6.2 Each applicant shall first communicate with The Service office. Whenever an application or inquiry for the appointment of a lawyer is received by The Service, The Reviewer shall attempt to find out whether the applicant has a lawyer. If the applicant has a lawyer, The Reviewer shall suggest that the applicant talk to that lawyer. If, however, the applicant states that the applicant does not wish to consult that lawyer, the applicant shall be referred to a lawyer according to The Service's usual procedure unless this would violate the provisions of the section on REFUSAL OF SERVICE.

- 6.3** In addition, The Reviewer, if so qualified, shall determine whether the applicant has a legal issue appropriate for referral. If so, and if the applicant meets the other requirements of The Service, the applicant shall be referred to the next member of the appropriate panel.
- 6.4** Before or during the review, the applicant shall be informed, either orally or in writing, of The Service's rules applicable to the case. This includes information about the purpose of the first referral consultation, the length of time deemed appropriate for the consultation, and any other information deemed necessary by The Committee.
- 6.5** No prospective client shall be referred to more than one member of the panel unless the attorney to whom the client is referred declines to handle the matter on the initial consultation.
- 6.6** The time and place of the consultation will be arranged by the participating attorney.
- 6.7** If other matters than those contemplated in the request develop during the consultation with the lawyer, the referral lawyer may make such arrangements for handling these matters as may be appropriate and agreeable with the applicant and this shall be considered additional legal work not covered by the referral.
- 6.8** The referral lawyer may make such arrangements with the applicant for the performance of future legal services in the matter referred as are consistent with recognized principles of legal ethics.
- 6.9** If The Reviewer can identify the problem or question of a prospective client as being a matter exclusively within a field of law covered by a Special Panel, that Special Panel shall be used for the reference if at all feasible. All problems or questions not so clearly identified shall be referred to the General Panel.
- 6.10** The Service should make regular and consistent attempts to follow up the operation of the referral service in a reasonable number of cases in order to obtain information that will enable The Service to find out whether appointments have been kept, whether the referred client was satisfied with the lawyer's handling of the case, whether the fee was within the means of the client and similar information. Information obtained by such follow-up procedures should be used to make such alterations in the operation of The Service as may appear desirable to The Committee from time to time.

VII. REGISTRATION FEES

- 7.1** The Service shall periodically notify Panel Lawyers that fees are due and payable. If fees are not paid by their due date, the delinquent lawyer shall be removed from the panel.
- 7.2** The Service shall not return or refund all or any part of any registration fee.
- 7.3** There shall be no annual assessment to defray costs of operating The Service. The Dauphin County Bar Association shall underwrite cost of operation, should income not equal expenses.

VIII. ACCEPTANCE OF ALL REFERRALS

- 8.1** Except as provided above, and unless they are unable to do so for professional, ethical or personal reasons, panel lawyers shall not be permitted to restrict the nature of the matters they will accept, and must accept any case referred. Any panel lawyer who concludes that special services are required, and does not feel qualified to render these services may associate with any other attorney.

IX. RECORDS AND REPORTS

- 9.1** The maintenance of records adequate to reflect the operation of The Service is essential and the responsibility of the Executive Director. The Service shall establish such a record system. These records shall show at least the following information for each applicant and each lawyer:
- (a) Applicants referred to a lawyer and, in each such case:
- (1) Nature of legal question involved and
 - (2) Lawyer to whom referred.

X. REFUSAL OF SERVICE

- 10.1** The Service may reserve the right to decline for cause to make the facilities of The Service available to any person to the extent it may do so under law.
- 10.2** An applicant shall not be referred to any lawyer if the applicant has previously engaged the services of a lawyer on the same matter unless the lawyer-client relation has been properly terminated.

XI. PUBLICITY

- 11.1** The Committee shall at all times maintain an adequate publicity program to inform the public of the availability of a lawyer to any person who needs one. Publicity shall make known the purpose and procedures of The Service. Publicity shall also inform the public of the importance of seeking timely legal advice, particularly in those areas most often overlooked or misunderstood by the public.
- 11.2** The Committee may, jointly with the Dauphin County Bar Association, or otherwise, promote the activities of The Service in a manner consistent with accepted standards of publicizing Lawyer Reference Services generally.
- 11.3** The Committee may use any and all media available to publicize The Service. Particular emphasis should be placed on media designed to reach those persons who probably do not have an attorney, and those who are likely to fail to recognize a problem as a legal one.
- 11.4** Publicity and releases will take any form not inconsistent with recognized principles of legal ethics.

XII. MODEST MEANS PANEL

- 12.1** The Modest Means Panel is a way to bridge the gap that exists between those who qualify to receive pro bono services and those who can afford to pay regular lawyer fees.
- 12.2** In addition to the standard information The Reviewer obtains for the Service as provided above, The Reviewer shall also determine if the applicant meets the income eligibility requirements. To be eligible for the Modest Means Panel, the applicant must have a household income equal to or less than 200% of the current Federal Poverty Guidelines issued by the U.S. Department of Health and Human Services.
- 12.3** Fees charged for representation by attorneys participating in the Modest Means Panel will be at an hourly rate of \$50.00. An attorney may require a retainer paid in advance. The amount of the retainer may vary with the complexity of the case but is not to exceed \$500.00.
- 12.5** A Modest Means Panel attorney may charge less, but may not charge more than the hourly rate established under this section.
- 12.6** Contingent fee cases or other fee-generating cases are not eligible for representation through the Modest Means Panel.

XIII. REFERRAL FEES

- 13.1** In the event an attorney in the General or Special panel receives payment for services rendered to a client referred by the Lawyer Referral Service (Service), the attorney shall pay the Service a referral fee of 10% of the net fee received by the attorney at the conclusion of the case referred. Payments received from Modest Means clients are not subject to this fee.
- 13.2** In the event the attorney fails to pay the referral fee within 90 days of the conclusion of the case, the referral fee shall be increased to 20% of the net fee received, and the attorney shall be suspended from receiving any further cases from the Service until said referral fee is paid.
- 13.3** Attorney grants the Service permission to follow up with client to determine the status of the case and the amount of fees paid by the client.
- 13.4** Attorney must notify client at the outset of representation that a portion of the fees are payable to the Service and that the Service is entitled to know the outcome of any legal representation regarding the referred case, the fees received by the attorney and any other attorney with whom the attorney associates in the course of representation of the client on the referred matter, and to audit the file to check for fees paid.