

HAMPDEN COUNTY BAR ASSOCIATION
LAWYER REFERRAL & INFORMATION SERVICE RULES

**(Adopted 11/03/75; Amended 10/19/78, 11/19/80, 07/01/81, 11/30/92,
02/11/99, 01/01/2007, 12/3/08, 10/21/13, 12/9/15, 01/01/2017, 08/01/2018)**

Resolved, that the Hampden County Bar Association shall sponsor a Lawyer Referral and Information Service (LRIS) to be operated commencing January 1, 1976, in accordance with the following guidelines:

PURPOSE: The purpose of LRIS shall be to assist the general public by providing a way in which any person meeting the criteria stated herein may be referred to a qualified member of the bar or be directed to an appropriate organization that provides legal services.

CRITERIA: LRIS shall be available to any person who, in the opinion of LRIS, can afford to pay a reasonable fee for legal services.

COMMITTEE: The president of the Bar Association shall appoint a committee and the chairperson or co-chairpersons thereof, to be known as the Lawyer Referral and Information Service Committee. The committee shall supervise the operation of LRIS.

**PANEL
PARTICIPATION:**

- (A) Any person licensed to practice law in Massachusetts who is in good standing and living in or engaged in the full-time practice of law in Hampden County may qualify as a panel member.
- (B) In submitting an application to participate in the panel, the attorney may list up to **FIVE** areas of law in which referrals will be accepted. In so listing, an attorney represents to the committee that he or she is experienced and competent to render legal services in each of those areas of law and have handled to completion at least five (5) similar cases in the last two years or have alternative experience. The LRIS reserves the right to request documentation or evidence of compliance with the Application as it relates to experience.
- (C) An attorney who files an application to participate in the panel agrees to the following:
 - (1) Where the client requests a consultation only, the attorney agrees to grant an initial consultation by telephone or in person to the client for a fixed fee to be established by the attorney, but not more than \$25 for the first half hour.
 - (2) The charge for additional legal services will be agreed upon with the client. This fee will be established as clearly as possible during the initial office consultation. Written fee agreements are required.

- (3) A client referred to a LRIS panel member may not be charged a fee for legal services in excess of the fees charged for similar work done for the attorney's other clients. **The fees charged to a client referred by the LRIS shall not be increased by reason of the obligation of the panel member to remit the fee specified in Additional Contributions.**
 - (4) Contingent Fee Agreement must be in compliance with Rule 1.5 of the Massachusetts Rules of Professional Conduct.
 - (5) The attorney will arbitrate any dispute, between attorney client and/or attorney and LRIS, about the amount of a fee at the HCBA Legal Fee Arbitration Board. In such a case, the arbitration will be binding on the attorney. If the attorney refuses to participate, an ex parte hearing shall be held at the Fee Arbitration Board. If the client refuses to participate, the attorney may initiate such legal action as he or she deems appropriate.
 - (6) The attorney agrees to contact all clients referred by LRIS as soon as practical after the referred party contacts the attorney.
 - (7) The attorney agrees to abide by all of the rules of LRIS and will not hold the Hampden County Bar Association liable in connection with the activities of LRIS.
 - (8) The attorney agrees to abide by all decisions of the committee with regard to his or her application and continued eligibility as a panel member of LRIS.
 - (9) The attorney agrees that if within 1 year of being retained by any person referred to them by the Lawyer Referral Service, the attorney is retained for any other legal work, that matter is subject to percentage fees due to the Lawyer Referral Service. Being retained is defined as the date in which the client signs a retainer agreement, or if no written agreement is required, then the date the client pays the attorney. This includes all parties that retain the attorney relative to the original referral including, spouse, dependents and family members; and co-complainants in class-action suits.
 - (10) If the case is referred to another attorney in the firm, said attorney must also be a member of the LRIS. Notification of said referral must be given to the LRIS. If notice is not given, the original referring attorney will be responsible for reporting on the case and fee remittals.
- (D) Nothing herein shall obligate an attorney to accept employment or to render services beyond the initial consultation.

**LAR PANEL
PARTICIPATION:**

- (A) Any person licensed to practice law in Massachusetts who is in good standing and living in or engaged in the full-time practice of law in Hampden County and has completed the Massachusetts SJC approved training for Limited Assistance Representation may qualify as a panel member.
- (B) In submitting an application the attorney will select the courts in which LAR referrals will be accepted. In so listing, an attorney represents to the committee that he or she is experienced and competent to render legal services in each of those areas of law. The LRIS reserves the right to request documentation or evidence of compliance with the Application as it relates to experience.
- (C) An attorney who files an application to participate in the panel agrees to the following:
 - 1. Where the client requests a consultation only, the attorney agrees to grant an initial consultation by telephone or in person to the client for a fixed fee to be established by the attorney, but not more than \$25 for the first half hour.
 - 2. The charge for additional legal services will be agreed upon with the client. This fee will be established as clearly as possible during the initial office consultation. Written fee agreements are required.
 - 3. A client referred to a LRIS panel member may not be charged a fee for legal services in excess of the fees charged for similar work done for the attorney's other clients. **The fees charged to a client referred by the LRIS shall not be increased by reason of the obligation of the panel member to remit the fee specified in Additional Contributions.**
 - 4. Contingent Fee Agreement must be in compliance with Rule 1.5 of the Massachusetts Rules of Professional Conduct.
 - 5. The attorney will arbitrate any dispute, between attorney client and/or attorney and LRIS, about the amount of a fee at the HCBA Legal Fee Arbitration Board. In such a case, the arbitration will be binding on the attorney. If the attorney refuses to participate, an ex parte hearing shall be held at the Fee Arbitration Board. If the client refuses to participate, the attorney may initiate such legal action as he or she deems appropriate.
 - 6. The attorney agrees to contact all clients referred by LRIS as soon as practical after the referred party contacts the attorney.

7. The attorney agrees to abide by all of the rules of LRIS and will not hold the Hampden County Bar Association liable in connection with the activities of LRIS.
 8. The attorney agrees to abide by all decisions of the committee with regard to his or her application and continued eligibility as a panel member of LRIS.
- (D) If the case is referred to another attorney in the firm, said attorney must also be a member of the LRIS and LAR certified.
- (E) Nothing herein shall obligate an attorney to accept employment or to render services beyond the initial consultation. Should the attorney decline to accept the case he/she will refer the individual back to the LRIS and return the Confirmation Report indicating same.

**REDUCED FEE
PANEL:**

- (A) Any attorney who is a member of the LRIS Standard or LAR Panel is eligible for the Reduced Fee Panel.
- (B) Except for contingent fee cases, attorneys participating in the Reduced Fee Panel agree to charge a fee not to exceed \$75 per hour. Attorneys participating in the Reduced Fee Panel will not be required to remit a fee to LRIS.
- (C) Applicants for the Reduced Fee Panel will be required to complete a financial statement and client eligibility form.
- (D) LRIS will review the applicant's information to determine eligibility. If eligible, the applicant will be given a name of an attorney on the Reduced Fee Panel.
- (E) Reduced Fee Panel cases are limited to specific areas of law as set forth in the Area of Competence Section.

**REGULATIONS
OF PANEL
MEMBERSHIP:**

The committee will have the authority to examine a prospective panel member's application to determine a panel member's continued eligibility. The committee may suspend or remove a panel member at any time for good cause as determined by a majority of committee members. Good cause may include, but is not limited to:

- (A) institution of criminal charges involving moral turpitude, theft, embezzlement or fraudulent appropriation of property;
- (B) suspension, disbarment, ethical censure or disciplinary action by the Board of Bar Overseers;
- (C) violation of the Canons of Ethics and Disciplinary Rules Regulating the Practice of Law **(SJC Rule 3:07)**;

- (D) failure to obtain, maintain and report to LRIS legal malpractice insurance;
- (E) failure to pay the annual LRIS dues;
- (F) failure to remit applicable fees owed LRIS;
- (G) failure to timely return required status and/or remittal reports to LRIS;
- (H) failure to maintain the standards of eligibility, qualification and compliance as set forth in the *Lawyer Referral and Information Service Rules*;
- (I) consistent or excessive complaints from referred persons;
- (J) refusal to arbitrate disputes over fees to referred clients;
- (K) rejection, without cause, of an initial interview with a referred person ;
- (L) if applicable, failure of a partner of the firm to sign the firm acknowledgement on the panel member's application;
- (M) or material violation of the LRIS Rules.

If LRIS denies membership to, or removes or suspends an attorney, the committee shall convey their reasons to the attorney.

An attorney who has been denied membership in LRIS or has been suspended from the panel may appeal by providing a written and/or oral response at a regularly scheduled LRIS Committee meeting. If the committee declines to grant panel membership or continues its intention to suspend a panel member, the committee shall communicate its reason(s) within a reasonable period of time.

ANNUAL REGISTRATION FEE:

Each panel member of LRIS will pay to the LRIS Committee a non-returnable annual registration fee of \$150 for HCBA members and \$325 for non-members, or such other sum as the committee may, from time to time, establish for each year of membership, except that an attorney admitted to the bar for less than three years shall pay a reduced registration fee of \$100 for HCBA members and \$200 for non-HCBA members.

ADDITIONAL CONTRIBUTIONS:

As additional contributions toward operating LRIS, each panel member shall pay a sum equal to 15% of the total of each fee over \$100 received, upon receipt thereof, from matters referred by LRIS. (If you receive a fee of \$100 or less, you pay nothing. If the fee is more than \$100, you pay 15% of the **entire** fee). All fees thus received will be held by the committee and used to defray the costs of operation of this service and to fund public service activities of the service or its sponsoring organization, including the delivery of pro bono legal services.

Qualified reduced rate panel referrals are excluded from this required additional contribution.

**WITHDRAWAL
FROM THE PANEL:**

A panel member may withdraw his or her name from participation in LRIS at any time upon giving **written** notice to the LRIS Committee. The annual fee is non-refundable.

**OPERATION OF THE
PANEL:**

- (A) LRIS shall maintain a list of panel members who have registered in each area of competence.
- (B) Referrals will be made to members of the panel in rotation in the geographic area closest to the client's home or business or where requested by the client.
- (C) Except for cause, an attorney shall accept any referral for initial consultation by telephone or in person in those areas in which he or she has indicated in his or her application that he or she is willing and competent to act. If any referral should give rise to a conflict of interest, the attorney agrees to refer the client back to LRIS. The attorney may be considered next in rotation for a substitute referral upon prompt notification to the LRIS.
- (D) If the attorney decides not to take the case, that special services are required, or he or she is not qualified to render such services, the client shall be so informed and referred back to LRIS for another attorney. The attorney may be considered next in rotation for a substitute referral upon notification and request to the LRIS within thirty (30) days of the referral.
- (E) LRIS will make regular and consistent attempts to obtain follow-up information which will enable LRIS to find out (a) whether the client contacted the attorney's office, (b) whether the referred client was satisfied with the attorney's handling of the case, (c) whether the fee was within the client's means, and similar information. The information will be obtained by sending notices to the attorneys and random client surveys.
- (F) LRIS will keep records showing attorneys' completion and return of reports. Failure to return reports will justify LRIS in removing a panel member's name from the panel.

ACKNOWLEDGEMENT:

Within thirty (30) days after each referral, an attorney will complete and return the referral report form forwarded by LRIS. Upon request, the attorney will return an updated status and final report. Nothing herein will require any attorney to violate the attorney-client privilege.

FIRM ACKNOWLEDGEMENT:

This will acknowledge that the law firm is aware of the undersigned associate attorney's membership in the Hampden County Bar Association's Lawyer Referral and Information Service (LRIS). The law firm will abide by the LRIS Operating Rules and will comply with all LRIS requirements regarding clients referred to the associate attorney by LRIS.

RECORDS & REVIEW:

LRIS will keep on file a confidential report of all referrals and reports of attorneys, which will be subject to examination and inspection only by the committee and by the president of the HCBA.

PUBLICITY:

The committee will publicize the existence of LRIS in a manner consistent with the Code of Professional Ethics of the American Bar Association.

**AREAS OF
COMPETENCE:**

All LRIS applicants shall indicate on the LRIS application only those areas in which referrals are desired. An applicant may only list areas in which he or she has experience and is competent (SJC, 3:07).

**COMMITTEE
SUPERVISION
AND REPORTING:**

The committee shall be subject to the supervision of the Board of Directors of the Hampden County Bar Association and shall report annually to the members of this Association.