

Lancaster Bar Association * Lawyer Referral Service

Description and Rules

The rules and regulations of the Lawyer Referral Service (hereinafter, the "LRS") are subject to change or modification at any time as mandated by the Pennsylvania Supreme Court. Please contact the LRS with any questions or concerns.

Purpose

The purpose of the LRS is to refer members of the public (both individuals and businesses) in need of legal services to a qualified attorney who is able and willing to render the services required.

Plan

The Service shall be operated under the exclusive supervision of the Lancaster Bar Association Board of Directors or its designee. Referrals will be made by the LRS of the Lancaster Bar Association offices and from the referral list maintained at the bar office.

LRS Objectives

- Provide a benefit to attorney members of the LBA through client development.
- Benefit the public by providing a coordinated lawyer referral (and information) systems throughout Lancaster County.
- Educate the public on the need for and benefit of qualified legal representation.

Member Information

1. The annual fee for participation in LRS is \$100. The enrollment period extends from January 1 through December 31. Although registration is accepted at any time, fees are not prorated for late registrants.
2. To be a member of LRS, an attorney must be actively engaged in the practice of law and be a participating member in good standing in the Lancaster Bar Association.
3. Applicants must complete an Attorney Information Sheet and provide modified information as it becomes available.
4. Each member must carry professional liability insurance in the amount of at least \$100,000/\$300,000 and provide a certificate of such insurance to the LRS at the time of yearly renewal.
5. The LRS must be notified in writing of any lapse, termination, or material change in professional liability coverage.
6. If a referral service attorney cannot or does not want to be retained by the LRS client the attorney must refer the client back to the LRS.

Referral Process

1. A client will pay a \$50 administrative fee to the LRS before the referral is made. The attorney will provide an initial ½ hour consultation at no charge to the client and will inform the client prior to the consultation, the fee associated with consultations beyond ½ hour.
2. The LRS Administrator will collect the administrative fee and will immediately contact the attorney's office to transfer the client when possible, in order for the client to make an appointment.
3. The LRS Coordinator and attorney's office will screen the parties for any conflict of interest, and the attorney, at the attorney's discretion, can decide whether to accept the referral. If the choice is not to accept the referral, the attorneys' name will be placed at the end of the rotation of that particular area of law.
4. At the time of the referral, the client's name, address, and telephone number along with a brief description of the legal problem will be emailed, mailed and/or faxed to the attorney's office as confirmation.
5. If the initial appointment is not scheduled by the LRS/Client at the time of referral, the attorney's office will advise the LRS, as soon as is reasonably possible, the date and time of the consultation.
6. When the client lives outside the area or under special circumstances, the initial consultation may be by telephone.
7. Participating attorneys shall remit to the LRS 10 percent (10%) of all fees earned over \$1,000 on any case referred by LRS.

Example: An initial fee of \$2,000 is collected on a particular case. The attorney remits \$100 ($\$2,000 - \$1000 = \$1000 \times 10\% = \100). 10% of all fees collected by the attorney are remitted to the LRS, as the fees are collected.

8. All referrals are made on a rotating basis determined by the nature of the client's legal problem, geographic preference and scheduling availability.
9. The client is informed by the LRS Coordinator that client is responsible for calling the attorney's office to cancel or reschedule any appointment that client cannot keep. The client is asked to give at least a 24 hour notice of any cancellation or forfeit the consultation.
10. The LRS will conduct regular client surveys to monitor and improve the effectiveness of the LRS program.

Follow-up Mandatory Reporting Requirements

1. Each attorney will use a written Fee Agreement with each client outlining the nature and extent of the representation of the attorney and setting forth, in detail, the fee charged or the method of determining fees to be charged to the client for their representation.
2. Any Fee Agreement dealing with a client shall include the following provision: "I the undersigned client, do here by acknowledge that I have been referred to this attorney through the Lancaster Bar Association's LRS. In order to assure

proper compliance with the Rules and Regulations of the LRS, I hereby authorize the attorney referenced herein to release information to the LRS regarding the fees charged and paid by me.”

3. Each attorney will submit a status report as provided by the LRS, within two weeks of the actual appointment, and quarterly case reports thereafter.
4. Subject to redaction of all information about the substance of the attorney’s representation, the attorney will, upon request, provide copies of all bills, invoices, settlement statements and/or any other written materials relating to fees charged and/or paid by the client, together with copies of any orders of court or other judicial documents wherein fees for the attorney’s services are established and/or approved. LRS retains the right to contact the referred client directly to obtain information regarding fees paid to the participating attorney.
5. Upon request, the attorney will provide the LRS the forum and docket number of the clients’ case.

Immediate Disqualification and/or Denial of Membership

In the event an attorney is suspended or disbarred from the practice of law by the Supreme Court of the Commonwealth of Pennsylvania, or fails to maintain malpractice insurance as required under these Rules and Regulations, the LRS will send a Notice of same to clients of such attorney who were referred through the LRS.

1. Any attorney will be removed from the participation in the LRS or denied participation therein should any of the following occur:
 - a) The suspension or disbarment of the attorney through disciplinary proceedings conducted through the Disciplinary Board of the Pennsylvania Supreme Court;
 - b) Any requirement imposed by the Disciplinary Board at the Pennsylvania Supreme Court that a practice monitor supervises the attorney’s practice;
 - c) The attorney’s resignation or retirement from the practice of law;
 - d) The voluntary or involuntary commitment of the attorney for mental illness;
 - e) The incarceration or sentencing of any attorney to a period of incarceration in excess of thirty (30) days;
 - f) The failure of the attorney to maintain professional liability insurance and to provide proof of same as required by the Rules promulgated by the LRS;
 - g) The failure of the attorney to maintain participating membership in the Lancaster Bar Association; and/or
 - h) The failure of the participating attorney to pay the annual LRS membership fee of \$100.00
2. An LRS applicant may be denied panel participation for good cause determined by the LRS Committee or the LBA Board of Directors. Good cause shall include, but not be limited to, the following:
 - a) The failure to submit required reports and fees within thirty (30) days to the LRS;

- b) Signing or submitting any application or other certification or report to the LRS which shall be found to be untrue in any material respect;
 - c) Failure to use the written fee agreement with the required language;
 - d) Failure to provide the financial information requested by the LRS;
 - e) Failure to respond to or cooperate in the resolution of a client's complaint;
 - f) Failure to carry on the relationship with the client in a professional or business like manner; and/or
 - g) Engaging in personal or professional conduct reasonably judged by the LRS to adversely affect or adversely reflect on the LRS.
3. The procedure for disqualification, removal, or denial of participation upon consideration shall be as follows:
- a) Upon receipt of a complaint by the LRS that the attorney has committed an act or actions, or has engaged in behavior that would justify removal, suspension or denial of membership, the LRS will forward such information to the LRS Committee for review;
 - b) The LRS Committee will meet within twenty (20) days of the receipt of notification from the LRS to review the complaint;
 - c) The LRS Committee will, following review, determine whether there is a sufficient basis for removal, disqualification or suspension of the attorney from the LRS panel;
 - d) In the event the LRS Committee determines that a prima facie cause exists to suspend, remove, or deny participation to the attorney, written notice will be given to the attorney within ten (10) days of the date of the determination.
 - e) Such written notice will include a description of the nature and extent of the conduct complained of, including copies of any materials considered by the LRS Committee in reaching its determination and its remedy.
 - f) The attorney will have ten (10) days from the date of the written notice received from the LRS Committee to file a formal response to the allegations. The statement will be in writing, directed to the LRS Committee and may include any documentary evidence in support of the attorney's position;
 - g) The LRS Committee will meet within twenty (20) days of receipt of such response and, upon review of the information submitted by the participating attorney, decide if the appeal is well founded. Written notice of the Committee's determination to hear an appeal will be submitted to the attorney within ten (10) days of its meeting;
 - h) The LRS Committee may suspend, remove or deny membership to any attorney for a period up to one (1) year at the discretion of the LRS Committee. At the expiration of any period of suspension or removal imposed by the LRS Committee, the attorney may reapply for membership in the LRS;
 - i) In the event complaints are received and the LRS Committee determines that a prima facie case exists to suspend, remove or deny participation, the LRS Committee will immediately withhold referral to the attorney pending preliminary review and determination by the LRS Committee as noted in # 4 (a) through (h).