

Why Lawyer Referral?

There are thousands of Alabamians of moderate means who have no idea how to find a lawyer and appear to under utilize attorneys. The perceived cost is one inhibiting factor, but potential users are also often unaware that their problems are legal problems and that lawyers should be employed to resolve them. The Alabama Bar Lawyer Referral Service is an ideal way to assist *paying clients* to locate a *competent attorney* who charges a *reasonable fee* to complete a legal task *timely and efficiently*.

It is the responsibility of the Bar and the professional responsibility of every lawyer to make legal services available to all persons. By participating in the Lawyer Referral Service, you are doing your part in:

- Encouraging the practice of ‘preventive law’ in solving many potential problems before they become more serious;
- Providing an opportunity to tell the public that lawyers are willing to help them and that they need not be apprehensive about consulting a lawyer;
- Helping the public recognize legal problems and the necessity for using a lawyer to solve legal problems
- Providing the simplest and most economical mechanism to help people make initial contact with a lawyer thus helping the public develop a better understanding of how the legal system works.

Frequently Asked Questions:

Q. Who are the LRS clients?

A. The Lawyer Referral Service is advertised in the Yellow Pages. Clients who take advantage of this service come from all walks of life and run the gamut of the economic system.

Q. Do I have to charge the client the \$50.00 initial consultation fee?

A. No. This is entirely at the discretion of the attorney. However, by choosing to be a member of the Lawyer Referral Service (LRS), attorneys agree not to charge these clients more than \$50.00 for the first half-hour of service.

Q. What fee should I charge the client?

A. Beyond the initial half-hour consultation fee (maximum - \$50.00), the arrangement for your fee is between you and the client. It should be discussed with, and fully understood by, the client prior to your beginning work on the case.

Q. How are referrals assigned?

As. LRS members become part of our computerized program designed to provide attorneys’ names on a rotating basis according to areas of concentration and

geographic location. Callers are asked a series of questions by the LRS secretary to ascertain the nature of the problem and the caller’s residence or place of business. The caller is given the appropriate referral.

Q. Should I call the client?

A. Possibly. Review client information sheet to ascertain if client has given permission for attorney to contact them.

Q. To what does my LRS fee(s) entitle me?

A. The (\$100) fee entitles attorneys to one year’s membership. Membership must be renewed each year.

Q. Does the service charge a percentage of referral profits to LRS members?

A. Yes, 5% of any referral that reaches 1,000 and caps at 5,000 should be remitted back to LRS.

Alabama State Bar Lawyer Referral Service

I-Purpose

1.1 The Alabama State Bar (hereinafter the “state bar”) Lawyer Referral Service (hereinafter the “LRS”) shall exist primarily for the benefit of the public.

1.2 The LRS’s purpose shall be to provide a means for referring to a qualified member of the bar any person who has a need for and can pay a reasonable fee for legal services.

II-Organization

2.1 The LRS shall be operated under the supervision of a governing board selected for that purpose and is a division of the Alabama State Bar.

2.2 The LRS’s day-to-day operations shall be conducted at the state bar’s office in Montgomery, Alabama under the supervision of the state bar secretary.

III - The Governing Board

3.1 The governing board (hereinafter the “board”) shall consist of three (3) members from each District (hereinafter defined) appointed by the president of the state bar.

3.2 Members of the board shall be chosen from the three (3) Federal Court Districts (“Districts”), namely the Southern District, Middle District and Northern District, with geographic diversity represented from within such Districts.

3.3 Members of the board shall be appointed for a three-year term with each member’s appointment from each District made so as to provide for staggered terms.

3.4 Members of the board shall be members in good

standing of the state bar and shall be residents of the District which they represent.

3.5 The chairman of the board shall be chosen from the membership of the board by the state bar president and shall serve a one-year term as chairman.

3.6 The board shall meet at least twice each year and shall have such additional meetings as the chairman of the board deems necessary.

3.7 The board shall have authority to:

(a) adopt such rules and regulations as it deems necessary to effectuate the purpose of this service;

(b) take such actions as it deems necessary to promote the orderly and expeditious operation of the LRS; and

(c) propose changes in the fees charged to members, governing rules and regulations of the LRS which shall become effective only on approval by the board of bar commissioners.

3.8 Board action shall be taken only on a majority vote of a quorum of the board. A quorum shall consist of at least one board member from each of the Districts; board actions shall be subject to an appeal to the board of bar commissioners in accordance with procedures for appeal to be established by the board of bar commissioners.

IV – Membership in the Referral Service

4.1 The LRS shall maintain a referral list for each county in the state .

4.2 In the application for membership in the LRS, each attorney may designate up to ten (10) areas of “practice preference” in which the attorney is qualified to handle cases. Attorney may choose additional practice areas for \$5.00 per area.

4.3 To be admitted to membership in the LRS, an attorney must:

(a) Be a member in good standing of the Alabama State Bar;

(b) File an annual membership application, which shall be accompanied by the applicable annual membership fee;

(c) Signify the belief that the attorney is competent to handle cases in the areas of “practice preference” which the attorney has designated on the membership application;

(d) Show sufficient evidence that the attorney has in force a professional liability insurance policy with minimum amounts of \$100,000/\$300,000 coverage and with a company with a rating with AM Best, or other competent rating service acceptable to LRS, of B+ or better;

(e) Certify that the attorney will charge no more than the maximum initial first one-half hour consultation charge set forth in the LRS agreement executed by the attorney; and

(f) Certify that he will abide by the rules of the LRS.

4.4 An attorney’s membership in the LRS may be

terminated or suspended for the following reasons: when serious questions concerning an attorney’s professional competence or ethical standards are brought to the board’s attention; when an attorney violates the rules and regulations of the LRS; when an attorney fails to file an annual application for membership, provide continuing proof of malpractice insurance and pay the annual membership fee when due each year; when it is found that an attorney has made any material misrepresentation of fact on the application for membership; and for other good and just cause. An attorney’s membership shall be terminated or suspended for the foregoing reasons only after the attorney has received reasonable notice of the charges against him or her and has been given a hearing before the committee. Any attorney whose membership is terminated or suspended shall have a right of appeal to the board of bar commissioners.

V – Referral Service Procedures

5.1 Each applicant’s request for legal services shall be reviewed by an employee of the LRS

5.2 LRS shall obtain the following information from the applicant for legal service:

- (a) The applicant’s name.
- (b) Address;
- (c) Occupation;
- (d) Telephone number;
- (e) The general subject matter about which consultation is sought;
- (f) The counties in which the applicant needs legal services; and
- (g) Whether the applicant already has a lawyer.

5.3 The LRS employee or the LRS web site shall inform the applicant:

(a) That the first conference with an attorney shall be solely for purposes of consultation (that no attorney-client relationship has been established until an engagement is accepted by the member-attorney) and that the consultation fee shall not cover the preparation of any written documents;

(b) The initial consultation shall be for maximum time of 30 minutes;

(c) That the member-attorney to whom they are referred will charge a maximum fixed fee of such amount as is stated in the attorneys agreement with LRS for the consultation; and

(d) The fee for additional services growing out of said consultation shall be mutually agreed upon and negotiated between said applicant and the member-attorney.

5.4 If it is deemed that an applicant has a problem appropriate for referral, the LRS shall forward appropriate information to the member-attorney and provide

appropriate information to the legal services applicant about the member-attorney so that an appointment can be arranged between them.

5.5 Referrals shall be made to member-attorneys in the following manner: the LRS shall maintain a list of attorneys by county in the sequence in which they applied for membership in the LRS. After ascertaining the area of "practice preference" in which the legal services are sought and the county in which the problem arises, the LRS employee will refer the applicant to the member-attorney on the top of the referral list for that county, who has selected the relevant area of "practice preference." After a referral has been made to a member-attorney, the attorney's name shall be moved to the bottom of the referral list.

5.6 When a county contains more than one town, the LRS employee shall inform the applicant of this fact and give the applicant an opportunity to select the town from which his prospective attorney is chosen.

5.7 No applicant shall be referred to more than one member-attorney unless the attorney to whom the applicant is referred declines to handle the applicant's legal problem or is unable to make an appointment within a reasonable time. A member-attorney who declines a referral for a reason other than ethics, a conflict of interest, the practice area for which the client is referred is not what is needed, or for good cause the referral can not be accepted by the member-attorney shall have his or her name moved to the bottom of the referral list.

5.8 If no member-attorney in the applicant's county will accept the applicant's case or if no member-attorney has chosen the area of "practice preference" in which the applicant's problem arises, the LRS may refer the applicant to any other member-attorney in another judicial circuit.

5.9 A member-attorney may not decline a referral in a chosen area of "practice preference" irrespective of the amount of money involved, except for reasons of conflicting interests or of ethics.

5.10 After the initial consultation, a member-attorney may make with the applicant such financial arrangements for the performance of additional legal services as are consistent with the applicable principles of legal ethics.

5.11 If an attorney learns, after the initial consultation with the applicant, that the referral cannot be accepted for good cause, the attorney must immediately notify the LRS so that the referral can be made to another attorney.

5.12 If a member-attorney concludes that special services are required which the member-attorney is not qualified to render, he or she may associate an attorney qualified to render said service, refer the client to another

qualified attorney, or notify the LRS that he or she is not qualified to render such service so that the applicant may be referred to another member-attorney by the LRS.

VI – Records and Reports

6.1 The maintenance of records adequate to reflect the operation of the LRS is essential and the responsibility of the bar secretary who shall establish and maintain such a system.

(a) Referrals: For each legal services applicant contact received and referred, the LRS employee shall complete a referral form which shows the name, address, and telephone number of the applicant; the name and address of the member-attorney to whom the referral is made; and the nature of the legal question as determined in the initial exchange between the LRS employee and the legal services applicant. One or more copies of this form shall be sent to the member-attorney by the most expeditious means.

(b) Initial and Final Report: The member-attorney shall report to the LRS in a timely manner as requested by LRS on the forms provided by LRS. the following information: (i) the applicant's name and contact information; (ii) the attorney's name and contact information; (iii) whether the engagement has been accepted or not; (iv) the estimated fee to be charged to the legal services applicant in the future; (v) whether or not LRS correctly determined the practice area for the legal problem of the applicant, and if not, what the correct practice area should have been; (vi) what the member-attorney's actions were if (1) no contact was achieved within thirty days of the referral, (2) contact was made and it was determined that no engagement would be reached for good cause, or (3) contact was made and the legal services applicant was either accepted for further legal services or referred, and if so, to whom and why; and (vii) (in the case of a final report) the date the case closed and the total fee collected in the engagement unless prohibited from disclosure by the terms of the settlement agreement or court order, in which case the maximum referral fee shall be paid.

6.2 Each member-attorney shall complete such records concerning the applicant's referral as may be necessary for the efficient record-keeping functions of the LRS. The board may suspend, after notice, any attorney who refuses to obey this rule.

6.3 The board shall approve all forms before they are used. In addition to the information required, the board may require additional information.

VII – Publicity

7.1 The board 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 for a fee he/she

can afford. Publicity shall make known the purpose and procedures of the LRS. 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.

7.2 The board may, jointly with the Alabama State Bar, or otherwise, promote the activities of the LRS in a manner consistent with accepted standards of publicizing lawyer referral services generally.

7.3 The board may use any and all media available to publicize the LRS. Particular emphasis should be placed on media designed to reach those persons who probably do not have an attorney, and/or those who are likely to fail to recognize a problem as a legal one.

7.4 The LRS is specifically encouraged to establish liaison with senior military legal assistance officers at the military installations located within the state.

7.5 Publicity and releases will take any form not inconsistent with recognized principles of legal ethics.

VIII – Financial Administration of Lawyer Referral Service

8.1 The operation of the LRS shall be financed with funds derived from member-attorney annual membership fees, additional case specific referral fees paid by member-attorneys (collectively "member-attorney fees") and from other funds furnished by the Alabama State Bar.

8.2 Funds derived from member-attorney fees shall be used exclusively for operation of the LRS.

8.3 Within 90 days after the end of each fiscal year, the board shall provide to the board of commissioners of the Alabama State Bar a report and accounting of the operations of the LRS for such year.

IX – Legal Fees

9.1 The member-attorney to whom a referral is made shall charge the applicant for legal services no more than the amount agreed in the application by the member-attorney for the first one-half hour of consultation.

9.2 For services required after the initial consultation with an applicant for legal services, a member-attorney fee shall be negotiated between the member-attorney and the applicant.

9.3 The member-attorney may waive a consultation fee in an appropriate case.

9.4 The member-attorney may waive a consultation fee in an appropriate case.

Lawyer Referral Service



Published by



November 2008