

MAHONING COUNTY BAR ASSOCIATION

LAWYER REFERRAL SERVICE RULES

(Originally Adopted July 1, 1993)
(Revised Effective May 1, 2000)

(Amended in conformance with Code of Professional Responsibility DR 2-103, Effective July 1, 1996 and LRIS Regulations 100.200, 300, 400 and 500 effective November 1, 1999.)

NAME: The Referral Service shall be known as the Mahoning County Bar Association Lawyer Referral Service (Service)

PURPOSE: The general purpose of the Service shall be to operate in the public interest for the purpose of referring prospective clients to lawyers, pro bono and public service programs, and government, consumer, or other agencies who can provide the assistance the clients need in light of their financial circumstance, spoken language, any disability, geographical convenience and the nature and complexity of their problem.

The primary purpose of the Service 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 Lawyer in good standing with the Mahoning County Bar Association. Said Service shall be operated in conformity with DR 2-103 of the Code of Professional Responsibility and LRIS Regulations 100, 200, 300, 400 and 500.

OPERATION OF THE SERVICE

1. The Service shall operate as a nonprofit entity under the auspices of the Lawyer Referral Committee of the Mahoning County Bar Association (MCBA).
2. The President of the Bar Association shall appoint a committee and the chairperson thereof, to be known as the Lawyer Referral Service Committee (Committee). The Committee shall supervise the operation of the Service.
3. Under the Canons of Ethics, it shall be permissible to advertise the service, stressing the advantages of consulting a lawyer, but only if a person has no lawyer of his or her own will he or she be urged to make use of the Service.
4. Any income received by the Service from registration, membership or percentage fees on matters referred will be used by the Service solely for the operating expenses of the service, to fund public service activities of the Service of the Mahoning County Bar Association, and/or to fund the delivery of pro bono public services.

5. The Service will keep on file a confidential report of all referrals and reports of Lawyers which will be subject to examination and inspection only by the Committee and by the Executive Committee of the Mahoning County Bar Association. The Service will maintain in its name a checking account and shall deposit therein all required fees and other proceeds received by it. Expenses of the Service shall be paid out of this account as far as these funds permit.
6. Referrals shall be made by the Service from the Referral List in accordance with the regulations set forth below.

MEMBERSHIP: Membership in the association is open to all lawyers who are licensed and admitted to the practice of law in Ohio, who are members of the Mahoning County Bar Association, who maintain an office in the geographical area to be served by the Mahoning County Bar Association and who meet the following criteria:

1. **Application:** Each Lawyer must seek admission by submitting such application form as may be amended from time to time by the Service. Applications must be updated annually, as required by the Service.

2. **Fees:** Each Lawyer must agree to pay the following reasonable registration, members and per case fees:

A. Each participating Lawyer will pay to the Service a non-returnable annual registration fee of \$75.00 if practicing over (3) years, or \$25.00 if practicing (3) years or less, or such other sum as the Committee may from time to time establish for each year of his or her membership.

B. As additional contributions toward operating this Service, each Lawyer shall pay a sum equal to 10% of the total of each fee over \$100.00 received, upon receipt thereof, from matters referred by the Service. (If you receive a fee of \$100.00 or less, you pay nothing. If the fee is more than \$100.00, you pay 10% of the entire fee. Example: \$95.00 - no payment. \$125.00 -- \$12.50 payment.) All fees thus received will be held by the committee and used to defray the costs of operation of this Service.

3. **Liability Insurance:** Each Lawyer must maintain professional liability insurance in the minimum amounts of one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) in the aggregate. The Lawyer shall provide proof of insurance on an annual basis in the form of a copy of the current policy declarations page.

4. **Appointments and Reporting:** Each Lawyer must agree to grant all clients referred by the Service an appointment as soon as practical after the referral is made, but no later

than ten (10) days after the referral is made. Within ten (10) days of the appointment, the Lawyer will complete and return the referral report form forwarded by the Service. The Lawyer will return the final report upon completion of the case. Failure to return the report forms within the time specified by the Service will justify the Service in removing the Lawyer's name from the Service. Nothing herein will require the Lawyer to violate the lawyer-client privilege. Each Lawyer must agree to submit in a timely manner such follow-up reports on cases referred as are required by the Service.

5. **30 Minute Consultation:** Each Lawyer must agree to grant an initial thirty (30) minute consultation to the client for a fixed fee of \$15.00 made payable to "LRS", which sum shall then be forward to the Service by the Lawyer within 10 days of the referral.

6. **Legal Fees:** Any charge for further services to the client shall be as mutually agreed upon by the Lawyer and Client, but in keeping with the spirit of the Service according to the ability of the client to pay, and with due regard to the work performed and the results obtained.

7. **Excess Fees:** Each Lawyer to whom a client is referred must agree not to charge said clients fees, and or costs that exceed charges that client would have incurred had no lawyer referral service been involved.

8. **Disclosure:** Each Attorney participating in the Service may give written notice to his or her client informing the client that the attorney may be required to disclose to the service that referred the client certain information regarding the client's case.

9. **Subsequent Employment:** If after the completion of the referred matter, the client returns to the Lawyer at some later date for advice or services, the Lawyer is not required to report to the Service.

10. **Regulations:** Referrals shall be made by the Service from the Referral List in accordance with the regulations set forth below.

11. **Mandatory Notice to Committee:** Each Lawyer must promptly notify the service, in writing, if the Lawyer is not in full compliance with the terms of the service's referral agreement, is notified of a probable cause determination in a grievance proceeding against the attorney-member, is named in a criminal indictment, information, or complaint that charges a crime involving moral turpitude or dishonesty, or if any information in the attorney-member's application to become a member of the service is not true and correct in any respect.

12. **Waiver of Right of Privacy:** Each Lawyer waives the right to privacy granted pursuant to Gov. Bar. V, Section 11 (E) to the extent necessary to permit the service to be

informed or inquire as to the existence of any grievance proceeding against the Lawyer that results in a determination of probable cause.

13. Arbitration/Mediation of Fee Disputes: The service and each attorney-member shall agree to participate in arbitration and/or mediation to settle fee disputes that may arise between the service and Lawyer, as a result of referrals made by the service to the Lawyer. This regulation shall not apply to fee disputes between the Lawyer and his or her client. The Arbitrator or Mediator shall be selected in accordance with the Local Rules of Practice of the Mahoning County Common Pleas Court.

PANELS: The Service Referral List shall consist of various panels according to fields of practice. The Committee shall amend the list of panels when necessary.

1. No one Lawyer's name will be listed under more than five (5) panels.
2. Under no circumstances shall a lawyer's participation on a panel be used by him or by the Service to represent that he or she specializes or is otherwise an expert in a particular area of practice unless the lawyer is a certified specialist pursuant to the Rules of Certification by the Ohio Supreme Court, or unless the Member is a participant in the Experience Panels of the Service.
3. Members of a panel, whose applications have been received and accepted, shall be listed on a Panel in alphabetical order. Members of a panel whose applications are received and accepted thereafter, shall be placed at the foot of the panel list in the order received.
4. Assignment of clients to members of the panel shall be made according to rotation from top to bottom of the panel list. Except that the staff, in making referrals, shall consider the following factors:
 - A. Preference of a lawyer, as shown by his application, to handle the type of legal work as indicated by the client.
 - B. Preference of a client, if any preference is indicated, in order to assure client's satisfaction with the lawyer to whom he or she is referred.
 - C. To serve the client's convenience as to location of the Lawyer's office, particularly as to city, township or village in which the client resides.
5. If the Service ascertains that the person interviewed is presently represented by a lawyer, no referral shall be made without the express consent of the client's lawyer. If it appears that the person has been previously represented by a Mahoning County lawyer, still available, the staff shall endeavor to persuade the client to consult that same lawyer.

6. If the Service staff decides that the matter is a proper one to be referred, she will arrange, by telephone, an immediate appointment with a lawyer on the appropriate panel. Or he or she may arrange to have the lawyer contact the prospective client as to time and place of the appointment.
7. Except for cause, a Lawyer shall accept any referral for initial interview in those areas in which he or she has indicated in the application that the Lawyer is willing and competent to act.
8. If any referral should give rise to a conflict of interest, the Lawyer agrees to refer the case back to the service. The Lawyer shall then be considered next in rotation for a substitute referral.
9. The Lawyer may not refer the client to any other Lawyer, including a member of his or her law firm.
10. A Lawyer may select as co-counsel on a matter referred to him a lawyer who is not a member of the Service. The member attorney shall remain liable to the client for any and all negligence of co-counsel.
11. Nothing herein shall obligate a Lawyer to accept employment or to render services beyond the initial consultation.
12. Nothing in these policies or in the operations of the Service shall be construed to limit the use of the Lawyer's independent professional judgment in the acceptance or management of a matter referred to him.
13. The name of a Lawyer rejecting a referral without cause deemed sufficient by the Service may be moved to the bottom of the list.

EXPERIENCE PANELS: The Service has established Experience Panels in the areas of Domestic Relations and Criminal Law. Lawyers wishing to participate in the same shall complete a separate application which certifies that the Lawyer has met the following requirements:

1. **Domestic Relations:** Within the past three (3) years, the Lawyer shall have handled at least :
 - A. Two (2) Dissolutions of Marriage with children; and
 - B. Two (2) Contested Divorces with children where custody is disputed; and
 - C. Two (2) Post-Divorce disputed custody actions; and
 - D. One (1) case involving a pension (which can be 1 or 2 above).

E. Within the most recent two (2) year reporting period, the Lawyer shall have attended a Family Law Continuing Legal Education Seminar of at least three (3) hours.

2. **Criminal Law:** Within the past three (3) years, the Lawyer shall have handled at least:

- A. Five (5) Municipal or County Court Misdemeanor Cases before Bench or Jury; and
- B. Five (5) Municipal or County Court Traffic Cases; and
- C. Three (3) Felony cases resolved at Common Pleas Level; and
- D. Within the most recent two (2) year reporting period, the Lawyer shall have attended a Criminal Law continuing Education Seminar of at least three (3) hours.

CLIENT GRIEVANCE PROCEDURE

1. Prospective clients will be advised in their initial communication from the Service that the Service has a grievance procedure available in the event of any dissatisfaction. The policy shall also be posted in the Service office reception area.
2. Complaints filed by clients or prospective clients shall be received by the Chairperson of the Committee.
3. The Chairman of the Committee will:
 - A. Investigate all complaints personally and may seek the advice of the Committee in resolving the complaint. In appropriate cases, he or she may refer the complaint to the MCBA Inquiry Committee, Grievance Committee or Executive Committee.
 - B. Notify the complainant and other parties of his or her decision and proposed resolution, if any.
4. Should the Complainant disagree with the decision and/or the proposed resolution, her or she may appeal to the President of the MCBA.
5. The President of the MCBA will:
 - A. Review the file established by the Chair of the Committee, and conduct such other investigation as he believes to be necessary, if any. The President may seek the advice of the Chairpersons of the Inquiry, Grievance or Executive Committees in resolving the complaint, and in appropriate cases, he or she may refer the complaint to said Committees..

- B. Notify the Complainant and the Chair of the Committee of his or decision.

RESIGNATION: A Lawyer may resign from the Service or from a particular panel at any time. Such resignation shall be accomplished by written notice to the Service staff. The Lawyer will not be relieved of his duty to dispose of all pending matters which have been referred to him or her.

SUSPENSION/REMOVAL FROM PANEL

1. **Mandatory Suspension/Removal** : A Lawyer shall be suspended and removed from further participation in the service under any of the following circumstances:

- A. The attorney-member is disbarred or suspended from the practice of law;
- B. Any grievance proceeding against the attorney-member results in a determination of probable cause, or results in a Complaint filed by the Grievance Committee of the Mahoning County Bar Association or by the Disciplinary Counsel of the Supreme Court of Ohio.
- C. The attorney-member is named in a criminal indictment, information, or complaint that charges a crime involving moral turpitude or dishonesty.

6. **Other Grounds for Suspension**: The Service may suspend a Lawyer from the Service

- A. The failure to update membership information as required.
- B. The failure to provide case follow-ups in a timely manner.
- A
- B C. The failure to cooperate in the Service grievance procedure

- D. The failure to pay agreed-upon fees to the Service in a timely manner.
- E. The failure to timely meet with clients.

3. **Other Grounds for Removal**: The Service may remove a Lawyer from the Service for:

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- A. The failure to maintain the required professional liability insurance.

- B. The failure to update membership information as required by the Service for sixty (60) days or more.
- C. The repeated failure to provide case follow-ups in a timely manner as required by the Service.
- D. The refusal to cooperate in the grievance procedure outlined in these rules and regulations and/or failure to resolve client complaints.
- E. The failure to pay agreed-upon fees to the Service after sixty (60) days.
- F. Charging a referred client a fee which exceeds that which would have been charged had no lawyer referral service been involved.
- G. Repeated violations of any of the Service rules including the Grounds for Suspension or Removal.

4. **Procedure for Suspension or Removal:** The procedure for suspension or removal shall be as follows:

- A. When it appears to the staff of the Service or to any member of the Committee that grounds for suspension or removal of a Lawyer member may exist, the Chair of the Committee shall be notified in writing of the name of the lawyer and of the grounds upon which removal should be considered.
- B. The Chair of the Committee shall notify the Lawyer in writing of the proposed suspension or removal and the grounds therefor, and shall solicit the response of the Lawyer.
- C. The Lawyer shall respond in writing to the Chair of the Committee within thirty (30) days or may resign from the Service.
- D. If, after review of the grounds for suspension or removal and the response of the Lawyer, the Chair of the Committee believes that there are grounds for suspension or removal of the Lawyer, he or she shall convene a meeting of the Committee for the purpose of considering said proposed suspension or removal.
- E. The Committee will vote on any proposed suspension or removal. A majority vote of the Committee shall be required to suspend or remove any Lawyer. The Chairperson shall then notify the Lawyer in writing of the suspension or removal.

EVALUATION AND REPORTING:

1. The Service shall periodically survey all clients and prospective clients to determine their satisfaction with the Service, its staff and Lawyer members, and to receive any comments for improvement of the Service.

2. The Service shall report periodically to the MCBA and annually to the Supreme Court of Ohio. Such reports shall take the form prescribed by the entity to which the report is made.