

# Attorney Information & Referral Service

Sponsored and Supervised by the San Bernardino County Bar Association  
555 North Arrowhead Ave. • San Bernardino, CA 92401  
Phone (909) 888-6791 • Fax (909) 889-0400  
[lrs@sbcba.org](mailto:lrs@sbcba.org)

**Committee Members**  
M. Wayne Tucker, *Chair*  
Thomas Dominick, *Co-Chair*  
Khymberli Apaloo  
Michael Scaffiddi  
William Weathers  
Bradley R. White  
Claire Furness

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Dear Attorney:

Thank you for your interest in joining the Lawyer Referral Service of the San Bernardino County Bar Association. The following items are enclosed:

***Items to keep for your files:***

- 1. Rules And Regulations of The State Bar of California Pertaining to Lawyer Referral Services.** Please review the rules and keep for your files. You may need to refer to them from time to time.
- 2. Rules Governing The Service.** These are our local rules. Please read carefully before signing your application. Keep for your files. You may need to refer to them from time to time.
- 3. Minimum Qualifications for Subject Matter Panels.** Please read carefully before completing Subject Matter Panel Application Form. Keep for your files, in the event you may wish to qualify for additional panels.

***Forms to complete and return to our office:***

**A. Application for Membership**

Please fill out, sign, date and return with appropriate dues to our office. Attach a copy of your declaration page of insurance coverage.

*At the bottom of this form is a Subject Matter Panel Application Form.*

Fill out this portion if you have elected to apply for any subject matter panels (up to three panels). After you have completed the upper half of the form, please copy the form (as needed, up to three panels), and complete the lower half for each panel. When your application is approved by our LRS Committee, your name will be placed in the appropriate panel categories in our system.

**B. ADR Panel Application Form** You will also find an application for inclusion on our ADR panel. This panel is free, but may only be applied for if you have qualified for a subject matter panel. The minimum qualifications for ADR are listed in the panel exhibits.

**C. Disciplinary Status Declaration Form**

Required by the State Bar. Please fill out, sign, date and return with your application.

Thank you for your interest in our service We look forward to working with you and your office. If you have any questions, please do not hesitate to call or email me at the number or address above.

Sincerely,

Claire Furness  
Executive Director  
Attorney Information & Referral Service

enclosures

**SAN BERNARDINO COUNTY BAR ASSOCIATION ATTORNEY REFERRAL SERVICE  
APPLICATION FOR MEMBERSHIP**

1. Name \_\_\_\_\_ State Bar# \_\_\_\_\_
2. Business Address \_\_\_\_\_  
(street) (city) (zip)  
Phone (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ E-mail (opt): \_\_\_\_\_
3. I am:  a member of the following law firm;  associated with the following law firm;  engaged in sole practice.  
Firm name: \_\_\_\_\_
4. Admitted to practice in (state) \_\_\_\_\_ in \_\_\_\_\_ (year). Engaged in active practice in California since (mo/yr) \_\_\_\_\_.
5. I speak the following languages : \_\_\_\_\_

I hereby apply for registration on the General Panel of the Lawyer Referral Service. I am familiar with the Rules governing the Service, and the State Bar of California Minimum Standards for a Lawyer Referral Service. I will abide by such Rules and all rules of the Service which may be hereafter adopted. I agree to be bound thereby. So long as I shall continue registration with the Service, I will pay to the Service semi-annually, on or before the date due, the required membership fees. I will promptly make the required reports and pay any percentage contribution in accordance with the Rules. I agree to set all my charges for matters referred to me in accordance with the Rules and subject to the client's ability to pay, regardless of whether such fee is fully compensatory for the time and effort necessary to give the client a high standard of counsel and representation.

\_\_\_\_\_  
(Initials)

6. Enclosed is a copy of the declaration page of my professional liability insurance policy with minimum limits of \$100,000 each occurrence, \$300,000 aggregate per year. **Expiration Date:** \_\_\_\_\_
7. My first year's dues are enclosed (see attached letter for rates): **Annual Dues Amount:** \$ \_\_\_\_\_.
8. I have/have not been publicly disciplined by the State Bar of California. (If affirmative, submit date, reason and disciplinary action taken on separate attachment.)
9. I have had special, unusual, or extensive experience in the following divisions or practice of law:

***I am an active member, in good standing, of the California State Bar. I have read, and agree to abide by, the Rules of the Service and the State Bar of California Minimum Standards for a Lawyer Referral Service.***

\_\_\_\_\_  
(date) (signature)

Registration on any Subject Matter Panel also requires completion of following Subject Matter Panel application form:

**Additional information for Subject Matter Panel(s) Registration**

- I hereby apply for inclusion in the \_\_\_\_\_ Subject Matter Panel(s).
1. In support of my application, I hereby certify that I meet or exceed the minimum standards set out in the appropriate Exhibit(s). **I have attached letter with details on (b) through (e) below.**
- (a) The three divisions of the practice of law in which I have had the greatest experience since my admission to practice in California are: \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.
- (b) In support of this application and in accordance with Exhibit(s) \_\_\_\_\_, I further certify that I have taken special law school, graduate, or postgraduate work or study in the divisions of law indicated above.
- (c) I have special, unusual, or extensive experience in the divisions or practice of law.
- (d) I have special library facilities for use in the work of this Subject Matter Panel.
- (e) Further qualifications for such Subject Matter Panel, I certify the following additional facts to be true (attach statement).  
(Do not name a client without client's permission, unless the matter is a subject of existing public record.)

**I have read, and agree to abide by, the Rules of the Service and the State Bar of California Minimum Standards for a Lawyer Referral Service.**

DATE

SIGNATURE OF APPLICANT

# Attorney Information & Referral Service

Sponsored and Supervised by the San Bernardino County Bar Association  
555 North Arrowhead Ave. • San Bernardino, CA 92401  
Phone (909) 888-6791 • Fax (909) 889-0400

Subject: Attorney Information and Referral Service Panel Membership

Dear Attorney:

The following is a list of the referral service membership annual dues:

General and 1 Panel	\$100.00
General and 2 Panels	\$180.00
General and 3 Panels	\$260.00

*(Your membership on the general panel is **automatic** when applying for subject matter panels; it does not necessarily mean that you will receive general panel referrals.)*

In order to streamline our operations and to reduce costs the membership fees will be billed annually beginning with your next billing.

The San Bernardino County Bar Association is continually striving to improve our Attorney Referral Service. If you have any questions or concerns in regard to the above please feel free to contact me directly at (909) 885-1986.

Sincerely yours,

Claire Furness  
Executive Director

# *Attorney Information & Referral Service*

of the San Bernardino County Bar Association  
555 North Arrowhead Avenue • San Bernardino, CA 92401  
Phone: (909) 888-6791 • Fax (909) 889-0400

## **Disciplinary Status Declaration Form**

This declaration is submitted to enable the Lawyer Referral Service of the San Bernardino County Bar Association to comply with the provisions of the California Civil Code Section 43.95 as amended effective January 1, 1981.

### **Declarant information:**

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

### **Declaration:**

Have you ever been disciplined in this or in any other jurisdiction by a state or federal licensing agency when such disciplinary action became a matter of public record?

(Check One)     YES     NO

If you have been disciplined, by separate attachment fully disclose the nature of the disciplinary action taken, the name and location of the licensing agency involved, relevant date(s), and the ultimate disposition of the matter.

*I agree to notify the Lawyer Referral Service of the San Bernardino County Bar Association of any disciplinary action taken against me while I am a panel member.*

*I declare, under penalty of perjury, that the foregoing information, including any supplementary information is true and correct to the best of my knowledge.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**This form must be submitted with the Application for Membership.**

**San Bernardino County Bar Association Attorney Information & Referral Service**  
**555 N. Arrowhead Avenue • San Bernardino CA 92401**  
**(909) 884-0273 • Fax: (909) 889-0400**

**ADR Subject Matter Panel Registration**

I have previously applied for inclusion in the \_\_\_\_\_, \_\_\_\_\_, and/or \_\_\_\_\_ Subject Matter Panel(s).

1. I hereby certify that I still meet or exceed the minimum standards set out in the appropriate Exhibit for the panel(s) listed.

2. (Optional) Supporting statement of special or unusual experience for inclusion on ADR Panel (see Exhibit H):

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3. I have read, and agree to abide by, the Rules of the Service and the State Bar of California Minimum Standards for a Lawyer Referral Service.

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DATE	SIGNATURE OF APPLICANT
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**ADR Panel Registration**

Applicants for the ADR Panel must meet the qualifications for the ADR panel and qualify for at least one subject matter panel and will receive ADR referrals based on the subject matter panel(s) only. Qualifications are attached (Exhibit H).

*I hereby apply for inclusion on the ADR Panel.*

**SELF-CERTIFICATION: ARBITRATION/ MEDIATION**

I certify under penalty of perjury that I have met all the experience requirements for: \_\_\_\_\_ Arbitration and/ or Mediation (see Exhibit H).

I am willing to handle \_\_\_ Arbitration and/ or \_\_\_ Mediation in the following Subject Matter Panels which I checked in my "LRS Application for Membership."

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Date: \_\_\_\_\_ Signature: \_\_\_\_\_

## ADR PANEL - MINIMUM REQUIREMENTS

## EXHIBIT "A"

Applicants for the ADR Panel must qualify for at least one subject matter panel and will receive ADR referrals based on the subject matter panel(s) only.

Within the Subject Panel(s) checked on the Membership Application and the Mediation and Arbitration Self-certification, the following training and experience requirements apply:

**Arbitration:** (a) Admitted to the practice of law for at least ten years and; (b) Have served as a neutral in at least 5 arbitrations.

**Mediation:** (Panel member must meet requirements of either a, b, or c below.)

(a) Have completed at least 5 days of continuous, participatory education or training including role playing in mediation and have participated as a mediator or co-mediator in at least 5 mediations.

*or* (b) Have completed at least 2 days of continuous, participatory education or training including role playing in mediation and have participated as a mediator or co-mediator in at least 15 mediations.

*or* (c) Provide other satisfactory evidence of mediation skills and experience.

The LRS Committee will consider such additional data disclosing qualifications as the applicant may care to submit, including, without limitation, the ratings for professional ability and ethics of the applicant in any rating directory of the profession.

## CRIMINAL LAW PANEL - MINIMUM REQUIREMENTS

## EXHIBIT "B"

Criminal Law certification by the State Board of Legal Specialization shall satisfy all of the requirements for membership or renewal of membership on the Criminal Law Panel.

1. The applicant must have had three (3) years of general experience in criminal cases in California.

2. The applicant shall have established a general reputation among the Bar of this county as one particularly qualified in the field of Criminal Law.

3. The applicant must have been principal counsel of record in criminal proceedings within the past three (3) years as follows:

(a) Three (3) jury trials, or

(b) Twenty five (25) DMV hearings and

(c) Ten (10) contested (motion) hearings

4. The applicant must show that within the three (3) years immediately preceding application a minimum of 50% of the applicant's time was spent in the practice of Criminal Law.

5. The applicant shall submit the names of three (3) San Bernardino County lawyers or judges as references.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## DEBTOR/CREDITOR (BANKRUPTCY) PANEL - MINIMUM REQUIREMENTS

## EXHIBIT "C"

Bankruptcy Law certification by the State Board of Legal Specialization shall satisfy all the requirements for membership or renewal of membership on the Debtor/Creditor Law Panel.

1. The applicant shall have had at least three (3) years of experience in Bankruptcy matters.

2. The applicant shall have established a general reputation among the Bar in San Bernardino County as one particularly qualified therein, and shall submit, with the application, the names of three (3) San Bernardino County lawyers or judges as references.

3. The applicant shall have demonstrated to the LRS Committee substantial experience in representing debtors and creditors in the Bankruptcy Court.

The filing and processing of ten (10) Bankruptcy matters per year over a period of the last three (3) years, or appearance on behalf of debtor or creditor in State or Federal Court in ten (10) actions per year over the past three (3) years, or any combination thereof, shall constitute minimum evidence of such substantial experience as above set forth.

4. Each applicant must furnish the LRS Committee with the application each of the following:

(a) Statement setting forth the average of the applicant's time, either on a weekly or on a monthly basis, devoted to the Debtor-Creditor field with a minimum showing of 50% of the applicant's total professional time, on the average, over the last three (3) years, devoted to this field.

(b) A statement in writing of the reasons why the applicant feels particularly qualified in the field of Debtor-Creditor Law.

(c) A written statement that the applicant has attended at least three (3) seminar hours per year for the last three (3) years on the subject of Debtor/Creditor (Bankruptcy) Law.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## FAMILY LAW PANEL - MINIMUM REQUIREMENTS

## EXHIBIT "D"

Family Law certification by the State Board of Legal Specialization shall satisfy all the requirements for membership or renewal of membership on the Family Law Panel.

1. The applicant must have had three (3) years in all of general trial experience in family law cases, in California.
2. The applicant shall have established a general reputation among the Bar in said county as one particularly qualified in the field of Family Law and shall submit, with the application, the names of three (3) San Bernardino County lawyers or judges as references.
3. The applicant shall have demonstrated, to the LRS Committee, substantial experience in the Family Law field, including the trial of contested cases. The preparation and filing of an average of:

Twenty (20) contested OSCs; ten (10) dissolutions/ legal separations/ nullities/ domestic partnership actions OR paternity cases from filing through judgment; two (2) Domestic Violence cases; one (1) contested trial of any kind,

shall constitute minimum evidence of such substantial experience as above set forth.

4. Each applicant must furnish, to the LRS Committee with the application, each of the following:

(a) Statement setting forth the average of the applicant's time, either on a weekly or on a monthly basis, devoted to Family Law matters in the applicant's practice, with a minimum showing of 25% of the total professional time, on the average over a three (3) year period last past, devoted to Family Law matters.

(b) A statement in writing of the reasons why the applicant feels "particularly qualified" in the field of Family Law problems and their solutions.

(c) A written statement the applicant has attended at least three (3) seminar hours per year for the last three (3) years on the subject of Family Law.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## IMMIGRATION LAW PANEL - MINIMUM REQUIREMENTS

## EXHIBIT "E"

Immigration certification by the State Board of Legal Specialization shall satisfy all the requirements for membership or renewal of membership on the Immigration Panel.

1. **Business Immigration.** Within the past three (3) years, applicant must have personally performed all legal work and prepared, or supervised the preparation of, all papers in connection with five (5) business immigration matters.
2. **Deportation.** Within the past three (3) years, applicant must have personally performed all legal work and prepared all papers in connection with at least five (5) deportation or exclusion hearings commenced before a Special Inquiry Officer of the Immigration and Naturalization Services. At least three (3) such hearings must have been ones in which the alien denied the charges contained in the Government's Order to Show Cause or made an affirmative application for relief from deportation, other than an uncontested application for voluntary departure.
3. **Labor Certification, Political Asylum and Visas/Naturalization.** In addition to the requirements set forth for the Deportation subpanel, applicant must have handled, within the past five years, at least five (5) other cases involving at least three (3) of the following examples in proceedings before the United States Departments of Justice, Labor, or State, or in the federal courts. Examples of such cases are: visa petition, visa applications, labor certifications, fraud investigations, adjustments of status, change of non-immigrant status, administrative appeals, naturalization petition, and civil or criminal court proceedings.
4. **Library:** Applicants must have access, on the premises in which their office is located, to the following publication, currently supplemented: Gordon, Charles, et al., Immigration Law and Procedures, vols. 1-3 (2nd rev.ed.) or equivalent works.
5. **Continuing Education:** Within the past three (3) years, applicant must have completed at least six (6) hours of MCLE study relating to the practice of Immigration and Naturalization Law.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## JUVENILE LAW PANEL - MINIMUM REQUIREMENTS

## EXHIBIT "F"

1. The applicant shall have had at least three (3) years of general trial experience in California.
2. The applicant shall have established a general reputation among the Bar in San Bernardino County as one particularly qualified therein, and shall submit the names of three (3) San Bernardino County lawyers or judges as references.
3. The applicant must:
  - (a) have handled at least three contested hearings through disposition within the last two years, OR
  - (b) be a criminal defense practitioner with at least five years experience and have attended a full-day MCLE course dedicated exclusively to juvenile delinquency practice within the past two years.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## **PROBATE, TRUST AND ESTATE PLANNING PANEL - MINIMUM REQUIREMENTS**

## **EXHIBIT "G"**

Probate, Trust, and Estate Planning Law certification by the State Board of Legal Specialization shall satisfy all the requirements for membership or renewal of membership on the Probate, Trust, and Estate Planning Panel.

1. The applicant shall have at least three (3) years experience in Probate, Trust, and Estate Planning Law in California.
2. The applicant shall have established a general reputation among the Bar in San Bernardino County as one particularly qualified therein, and shall submit, with the application, the names of three (3) San Bernardino County lawyers or judges as references.
3. The applicant shall have demonstrated, to the LRS Committee, substantial experience in:
  - (a) The preparation of Wills, Inter Vivos and Testamentary Trusts and the tax consequences to be considered;
  - (b) The handling of court proceedings involving the Probate of Wills and the administration of estates and trusts of decedents before the courts of California;

The filing and processing of twelve (12) estate matters (including petitions for summary probate) over the last three (3) years shall constitute minimum evidence of such substantial experience, under (b) above.

4. Each applicant must furnish the LRS Committee with the application each of the following:
  - (a) Statement setting forth the average of the applicant's time, either on a weekly or on a monthly basis, devoted to the Probate, Trust, and Estate Planning field, with a minimum showing of 33% of the total professional time, on the average, over the last three (3) years, devoted to this field.
  - (b) A statement in writing that the applicant has attended at least three (3) seminar hours per year for the last three (3) years on the subject of Probate and Estate Planning.
  - (c) A statement in writing of the reasons the applicant feels "particularly qualified" in the field of Probate and Estate Planning.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## **REAL PROPERTY PANEL - MINIMUM REQUIREMENTS**

## **EXHIBIT "H"**

1. The applicant shall have at least three (3) years of experience in Real Property Law in the State of California.
2. The applicant shall have established a general reputation among the Bar in San Bernardino County as one particularly qualified in the field of Real Property Law, and shall submit, with the application, the names of three (3) San Bernardino County lawyers or judges as references.
3. The applicant shall have demonstrated to the LRS Committee the applicant's substantial experience in the field of Real Property Law, including experience in at least a majority of the following:
  - (a) The preparation and/or analysis and provision of advice regarding instruments of conveyance, options for sale of real property, contracts for sale of real property and/or other documents affecting title or interests in real property.
  - (b) The negotiation, preparation, and/or analysis and provision of advice regarding leases of Real Property.
  - (c) The institution, maintenance, defense, or trial of quiet title and ejectment proceedings and related litigation.
  - (d) The institution, maintenance, defense, and /or trial of Unlawful Detainer proceedings.
  - (e) The institution, maintenance, defense, and/or trial of specific performance, declaratory relief and other equitable and quasi-equitable actions affecting title to or interests in Real Property.
  - (f) The institution, maintenance, defense, and /or trial of condemnation actions.
  - (g) The institution, maintenance, defense, and /or trial of actions involving determination of relative priority of liens against Real Property.
  - (h) The institution, maintenance, defense, and/or trial of proceedings for judicial foreclosure of deeds of trust, mortgages, and /or liens against real property, or actions to enjoin such foreclosure proceedings.
  - (i) The handling of proceedings for the elimination of tax liens against real property.
  - (j) The planning, negotiation and /or conduct of sales, transfers, and /or exchanges of real property, including consideration of tax consequences thereof.
  - (k) The handling of matters involving zoning and planning.
4. Each applicant must furnish, to the LRS Committee with the application, a written statement setting forth the following:
  - (a) The approximate amount of time which the applicant has devoted in the field of Real Property practice.
  - (b) The reasons that the applicant feels particularly qualified in the field of Real Property Law.
  - (c) A written statement the applicant has attended at least three (3) seminar hours per year for the last three (3) years on the subject of Real Property Law.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## **PERSONAL INJURY & PROPERTY DAMAGE PANEL - MINIMUM REQUIREMENTS**

## **EXHIBIT "I"**

1. The applicant shall have had at least three (3) years of general trial experience in California.
2. The applicant shall have established a general reputation among the Bar in said county as one particularly qualified therein, and shall submit, with the application, the names of three (3) San Bernardino County lawyers or judges as references.
3. The applicant shall have demonstrated to the LRS Committee substantial experience in handling Personal Injury cases. Commencement of at least five (5) trials to verdict in the Superior Court, with at least one in the last ten years shall constitute minimum evidence of such substantial trial experience.
4. Each applicant must furnish the LRS Committee with the application each of the following:
  - (a) Statement setting forth the average of the applicant's time, either on a weekly or on a monthly basis, devoted to the Personal Injury and Property Damage field, with a minimum showing of 33% of the applicant's total professional time, on the average over the last three (3) years, devoted to this field.
  - (b) A statement in writing of the reasons the applicant feels "particularly qualified" in the field of Personal Injury or Property Damage problems and their solutions.
  - (c) A statement in writing listing the five (5) or more Superior Court jury trials (see paragraph 3) indicating:
    - (1) Name of case (2) Case number (3) Year tried (4) Court (5) Judge (6) Lead counsel and backup counsel.
  - (d) A written statement the applicant has attended at least three (3) seminar hours per year for the last three (3) years on the subject of personal injury.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## **SSI / SSD PANEL- MINIMUM REQUIREMENTS**

## **EXHIBIT "J"**

1. Within the past three (3) years, applicant must have personally performed all legal work and prepared or supervised the preparation of at least:
    - (a) At the administrative level, two (2) cases involving the establishment of eligibility because of disability due to a physical and/or mental condition under Supplemental Security Disability Income programs;
    - (b) At the administrative level, one case involving an issue other than whether a person is presently disabled, i.e., disputes over the number of quarters worked, overpayments, or establishing disability at a time substantially prior to application date;
    - (c) One appeal of an adverse decision to Federal District Court or the handling of a CCP Sec. 10945.5 administrative writ in a welfare case.
  2. Applicants must have access, on the premises in which their office is located, to 20 CFR 400-419.
  3. Within the past three (3) years, applicant must have completed at least six (6) hours of MCLE study relating to Social Security Law.
- If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

## **WORKERS' COMPENSATION APPEALS BOARD PANEL - MINIMUM REQUIREMENTS**

## **EXHIBIT "K"**

Workers' Compensation Law certification by the State Board of Legal Specialization shall satisfy all the requirements for membership or renewal of membership on the WCAB panel.

1. The applicant shall have had at least three (3) years of general trial experience in California, or three (3) years trial experience before the WCAB.
2. The applicant shall have established a general reputation among the Bar in San Bernardino County as one particularly qualified therein, and shall submit the names of three (3) San Bernardino County lawyers or judges as references.
3. The applicant shall have demonstrated to the LRS Committee substantial experience in handling Workers' Compensation Appeals Board cases. Disposition of an average of at least fifteen (15) cases a year and trial to completion of three (3) cases a year over the last three (3) years shall constitute minimum evidence of such experience.
4. Each applicant must furnish the LRS Committee with the application each of the following:
  - (a) Statement setting forth the average of the time, either on a weekly or on a monthly basis, devoted to the WCAB field.
  - (b) A written statement the applicant has attended at least three (3) seminar hours per year for the last three (3) years on the subject of Workers' Compensation.
  - (c) A statement in writing of the reasons why the applicant feels "particularly qualified" in the field of WCAB problems and their solutions.

If applicant does not qualify for a specific standard but may be otherwise qualified to receive referrals through this panel, applicant may indicate the specific experience criteria that is not met, and detail additional experience and knowledge and describe how applicant is otherwise qualified.

# **Lawyer Referral Service of the San Bernardino County Bar Association**

## **RULES GOVERNING THE SERVICE**

### **1. Purpose**

**A.** The purpose of the Lawyer Referral Service (herein called the "Service") is to assist the general public by providing a means whereby any person who can afford a reasonable fee for legal services and does not have an attorney, or does not know one, may be referred to a qualified member of the State Bar of California willing to give a relatively brief consultation for minimal fixed fees, and where necessary, provide additional legal services the compensation for which will be based upon an agreement between the attorney and the client consistent with the limitations and provisions of Rule 11.

### **2. The Service**

**A.** The Service is established, sponsored and operated by the San Bernardino County Bar Association.

**B.** The Service shall be supervised in its actual operation by the Lawyer Referral Service Committee for the Association.

### **3. The Committee**

**A.** The Committee shall consist of a minimum of six (6) members, including a Chairman, all selected and designated by the President of the association. At least fifty (50) percent of the Committee shall be active members of the State Bar of California and at least fifty (50) percent of the Committee shall not receive referrals from the service.

**B.** The Lawyer Referral Service Committee (herein called "Committee") is charged with the operation of the Service, and shall adopt such rules for the conduct and operation of the service as may be deemed proper. All actions of the Committee and any failure or refusal by the Committee to act, shall be subject to appeal within thirty days to the Board of Directors of the San Bernardino County Bar Association, which may consider such evidence as the appealing applicant for membership in the Service or any member appealing, and the Committee, may present. Committee matters not appealed within the thirty day period, and all Board determinations and actions upon any appeal, shall be final.

### **4. Parties And Area Served**

**A.** The Service is available to all persons, firms and entities, regardless of geographic location of their place or places of residence or business.

**B.** In general, the primary area served is San Bernardino County, California, excepting the cities of Ontario, Upland, Montclair, Chino and their environs. However, the excepted areas will be served when and as necessary.

### **5. The General Panel**

**A.** Any active member in good standing of The State Bar of California, who is engaged in active private practice of the law a substantial portion of his or her time, and who has his or her business location in the County consisting of at least an office and a telephone for such practice in San Bernardino County, who makes written application for membership on the General Panel application forms of the Service and agrees to abide by all of the Rules of the Service including requirements that each panel member shall: (a) be covered by a bond, a policy of

errors and omissions insurance in the minimum amount of \$100,000/\$300,000, or file an affidavit of self-insurance in like amount; (b) tender and pay when due the amounts of the membership and any other initial fees required by these Rules within the times specified; and (c) submit any fee dispute arising between such member and a client referred by the Service, if the client so elects, to binding arbitration by the Client Relations Committee of the San Bernardino County Bar Association, or other body established or approved by the Service, shall be a member of the Service and of its General Panel.

**B.** The General Panel will include all eligible registrants whose applications for membership as panel attorneys in the Service are filed with the Committee and who are qualified for membership therein under these rules. Membership shall continue until voluntarily withdrawn, loss of qualification, or affirmative action by the Committee or Board to terminate the membership for cause, after notice and an opportunity to be heard. Any such Committee action shall be effective only when approved by the Board.

**C.** Any Panel attorney so desiring shall be permitted to withdraw his or her registration from the Service upon five days' written notice to the Association.

**D.** Failure to pay the fees specified in Section 7 hereof, when due, and after notice of delinquency, shall be a ground for suspension or termination of membership.

### **6. Subject Matter Panels**

**A.** A Subject Matter Panel may be established by the Committee for each of the divisions of law or law practice hereinafter listed in Paragraph G, each such panel to be known as the Subject Matter Panel for that particular division. The Committee shall include in each such panel those General Panel members who shall apply for such inclusion, provided, however, that the Committee must first determine upon its knowledge and judgment, including consideration of all facts it may ascertain by its own inquiries, that the member (a) is in fact particularly qualified in the specified division of law or practice of law because of special law school, graduate or post-admission study, or his or her experience or ability, or (b) that such division is the primary practice of that member. In so determining under (a) above, the Committee may list the three divisions of the law or law practice in which the applicant has the greatest experience, and the division or divisions in which the Panel Attorney seeks to be included in the Subject Matter Panel must be among such three. Under (b) "primary" means more than half the time of the member is consumed in such division.

In its sole discretion, but always subject to the provisions of Paragraph B of this Section, the Committee may designate a General Panel member deemed qualified by the Committee as a member of a Subject Matter Panel in the absence of an application by such member for inclusion therein.

**B.** A member may withdraw his or her name from any Subject Matter Panel by written request to the Committee. A withdrawal from all Subject Matter Panels will result from withdrawal from the General Panel.

**C.** "Divisions of law or the practice of law" shall be deemed to include not only the commonly recognized fields or branches,

such as Contract or Real Property Law, and the like, but also general trial practice, administrative law practice, and the like.

**D.** In making the required determinations, the Committee may ask the member to furnish facts under or her certificate or oath and such facts may include names or addresses of clients or others involved in particular matters or privileged matters. The facts required may include details as to library and equipment owned or available to use by the General Panel member.

**E.** The Committee may from time to time adopt Minimum Requirements for membership on any Subject Matter Panels which are not in conflict with these rules, and may amend, supplement and suspend the same at any time, and from time to time. The Committee, acting upon its own initiative, or upon complaint or request by any member, may review the qualifications of a member of any Panel at any time, and after notice to the member, and an opportunity for hearing, may either take no action, may terminate or suspend (conditionally if desired) a Panel membership.

**F.** Subject Matter Panel members must abide by these Rules and the State Bar of California Minimum Standards for a Lawyer Referral Service in the rendition of services.

**G.** The divisions of law for which Subject Matter Panels are established are: ADR Panel, Criminal Law, Debtor-Creditor (Bankruptcy), Family Law, Immigration Law, Juvenile Law, Probate and Estate Planning, Real Property, Personal Injury/Property Damage, SSI-SSD, and Worker's Compensation Law.

<u>Name of Subject Matter Panel</u>	<u>Exhibit Identification</u>
ADR Panel	A
Criminal Law	B
Debtor-Creditor (Bankruptcy)	C
Family Law	D
Immigration Law	E
Juvenile Law	F
Probate and Estate Planning	G
Real Property	H
Personal Injury/Property Damage	I
SSI-SSD	J
Worker's Compensation Law	K

**H.** Other Subject Matter Panels shall not be maintained without prior amendment of these Rules by the Committee.

**I.** Minimum requirements have been defined and adopted for membership on the Subject Matter Panels hereinafter listed, and the requirements for these particular panels, identified as shown in the following schedule of exhibits, are incorporated into, and made part of, these Rules. Applications for Subject Matter Panel membership on these panels should disclose the facts showing that the applicant satisfies the pertinent minimum requirements.

**J.** Effective May 1, 1990, all Subject Matter Panel Members must reapply for continued membership on Subject Matter Panels every two years.

**K.** Law firm Subject Matter Panel membership is limited to no more than five members of one law firm.

## 7. Fees

**A.** Each General Panel attorney shall pay to the Service, in advance, an annual membership fee of \$100.00, which shall also include the fee for membership on one (1) Subject Matter Panel. The Service shall notify General Panel members annually that the fees are or will become due and payable. The Service shall not be obligated at any time to return or refund all or any part of any membership fee.

*Non-members of the San Bernardino County Bar Association shall pay an annual fee of \$100.00 to reimburse the Association for services rendered to the Lawyer Referral Service.*

**B.** For each additional Subject Matter Panel, (maximum limit of three [3] Subject Matter Panels), an annual fee of \$80.00 per panel is due in advance.

**C.** In addition to the membership fees, each Panel Attorney shall pay to the Service a Referral Fee of 15% of the attorney's fee received. Upon completion of the services undertaken for the client referred to the member, the latter, within thirty (30) days of such completion and receipt of the Panel Attorney's compensation, shall also pay to the Service at that time the 15% Referral Fee herein established. This 15% Referral Fee applies to referrals made to all panels, General and Subject Matter Panels.

**D.** The Referral Fee is measured by all compensation for legal services performed by the Panel Attorney **or any lawyer in his or her office for a client referred to the member by the Service, when and whenever the services performed directly relate to the matter, problem or situation about which the client inquired during the conferences resulting from the referral.** The period of time is limited to that over which, or in which, these services are rendered, and not by the number of payments or the period through which they were received.

## 8. Registration of Panel Attorneys

**A.** A Panel Attorney agrees, in consideration of the Association's maintenance of the Referral Service described herein, that:

(1) The information contained in the Panel Attorney's applications or application may be furnished to any applicant for reference;

(2) The Panel Attorney's name may be classified in the Service for general references, without exceptions, subject to the provisions of Paragraph A of Section 11 thereof;

(3) The Panel Attorney's name may be temporarily withdrawn from any or all panel classifications of the Service at any time, at the discretion of 2/3 of the members of the Committee, pending action by the Committee or Board under Paragraph B of Section 5;

(4) The Panel Attorney will abide by all rules and procedures of the Service which may be promulgated from time to time by the Committee;

(5) The Panel Attorney will in no event hold or claim to hold the Association or a Director hereof, of the Service, or any officer, director, member or employee thereof, to any

liability whatever in connection with the operation of the Service, or the acts or omission of anyone referred by the Service;

(6) The Panel Attorney waives any claim he or she might have then or in the future against the Committee, the Board of Directors of the Association or the Association itself for any action that they may take with respect to his or her membership and right as a member during his or her membership; and

(7) The Panel Attorney will accept and abide by the decisions of the Committee, subject only to his or her right of appeal to the Board of Directors of the Association and agrees that the unappealed decisions of the Committee and the actions of the Board of Directors upon any appeal shall be final, but shall not prejudice the Panel Attorney or prevent him or her from filing a new application with the Committee upon additional data or information; that he or she waives and will not assert any claim he or she may have or may thereafter have against the Committee, any of its members, the Board or any of its members, with respect to any action taken upon his or her application or appeal as the case may be at any time, etc.

**B.** Application for registration as a General Panel Member shall be deemed to constitute such agreement, and this may not be revoked.

### **9. List of Panel Attorneys**

**A.** There shall be maintained at the office of the Service copies of all of the applications of the approved General and Subject Matter Panel Attorneys in good standing. From such applications, the Service office shall maintain a separate and current database containing the relevant information about such Panel Attorneys for use in making referrals.

### **10. Acceptance of Referrals**

**A.** A General Panel Attorney may not designate the type of work he or she does not desire to accept, except indirectly by qualifying for membership on an Experience Panel or panels.

**B.** Except as provided in the foregoing paragraph, a Panel Attorney shall not be permitted a preference for any particular type of work, and must accept any case referred to him or her, except that if he or she concludes that special services are required on any referral and which the Panel Attorney does not feel qualified.

### **11. Legal Fees**

**A.** A written application of any attorney to be placed on the General Panel shall constitute his or her agreement that he will render professional services at the attorney's office to each layman or lay organization referred to him by the Service upon the following fee basis:

(1) A maximum charge of \$40.00 payable to Lawyer Referral Service, covers a first conference at the Lawyer's office, consuming not more than one-half hour.

(2) The charges above specified cover consultation and advice only, and do not include preparation of letters or legal papers, court appearances or travel and the like;

(3) Compensation for further services or services outside

the attorney's office will be fixed by agreement with the client. In arriving at the amount of the compensation for such further services, the attorney shall take into consideration the client's ability to pay, regardless of whether such fee is fully compensatory to the attorney;

(4) When a Panel Attorney shall learn or conclude that a referral will require the filing of a Application for Workers' Compensation, and the Panel Attorney files such application, the Panel member's right to receive any direct compensation is limited by law and regulation and he shall be governed accordingly. In such cases, the charges in (1) and (2) may not be made;

(5) Any dispute between a Panel Attorney and the Service, in regards to referral fees, will be submitted to the Committee in accordance with Committee Rules, and the Panel Attorney agrees to be bound by the Committee's determination.

### **12. Referral Procedure**

**A.** The LRS intake advisor shall communicate with a client to the extent necessary to determine the general nature of the problem in order to select the particular Experience Panel to which the matter should be referred. All other matters shall be referred to the General Panel. All attorneys shall receive an equitable number of referrals depending upon their availability. Every reasonable effort shall be made by the intake advisor to ascertain whether an inquiring party has an attorney or knows an attorney. Inquiring parties shall be persuaded, whenever reasonably possible, to use the services of an attorney they already have or of the attorney whom they already know. Referrals may be made without regard to the residence or place of business of the applicant; however, if requested by the applicant, referrals to panel members in a particular locality will be made when practicable. An applicant may decline to consult any particular attorney without stating a reason, and the intake advisor shall nevertheless attempt to make an appointment with another member under these Rules. No referral shall be made on the basis of race, sex, age, religion or national origin.

### **13. Acknowledgment and Report of Referrals**

**A.** At the conclusion of the initial interview of each client, the Panel Attorney shall, as soon as practicable, and in any event, within thirty (30) days, acknowledge the referral by return of the appropriate referral slip to the Service, or by letter to the Referral Office, and state whether arrangements were made for further services by the Panel Attorney, so that application of the percentage referral fee can be noted by the Referral Service Coordinator.

**B.** The Panel Attorney understands and agrees that, at the discretion of the Executive Director, he or she will be temporarily suspended from the active list of Panel members upon the happening of any one of the following events:

(1) Failure to return any inquiry or form sent or directed to the Panel Attorney by the Service, properly answered or filled out, within thirty (30) days of receipt;

(2) Failure to remit any fees owing the Service within thirty (30) days of the receipt of same;

(3) Failure to comply with any rule, regulation, request, direction or order of the Service.

The Minutes of the Committee shall note the name and cause of suspension from the active list of any Panel Attorney. Written notice, giving the reason for removal from the Panel, shall be given to the Attorney. Recognizing the practical difficulty of doing otherwise, it is agreed that a Panel Attorney will not be entitled to a hearing upon or **before** being placed on the inactive list, but the Panel Attorney shall be heard upon application for reinstatement.

#### 14. Records

A. The Referral Office shall keep in its files for a reasonable period of time all acknowledgments and reports by Panel Attorneys. All of the records pertaining to the Service shall be subject to examination and inspection by the Committee and officers of the Association acting as such.

B. All of the Panel Attorney's office records, bank accounts, and anything else that may be of assistance to an audit relative to the Service, shall at all reasonable times be available to the Service for audit or other examination. If the Service assesses a deficiency against a Panel Attorney, through audit, that deficiency assessment shall be presumptively correct and the burden of showing its inaccuracy, or the extent of its inaccuracy, shall be upon the Panel Attorney.

#### 15. Refusal of Service

A. An applicant shall not be referred to any attorney if such applicant has previously engaged the services of an attorney on the same matter concerning which he or she now desires to be referred or if he or she is currently employing an attorney concerning a different matter, unless the attorney previously or presently employed expresses to the Service his or her willingness for the client to employ another attorney.

#### 16. Disposition of Receipts

The proceeds derived from the operation of the Service shall be used only for the following:

(a) payment of the actual expenses of operating, conducting, promoting and developing the Service, including expenditures for capital purposes for the Service, as determined on a reasonable accounting basis and with provision for reasonable reserves;

(b) support of activities or programs:

(1) for the furnishing of legal services to persons and entities financially unable to pay for all or part of such services, or conducted pursuant to Rule 2-104(f) of the Rules of Professional Conduct, or

(2) designed to educate members of the public with respect to the law, the judicial system, the legal profession, or the need, manner of obtaining and availability of legal services, or

(3) designed to advance the science of jurisprudence, improve the administration of justice, or aid in relations between the Bar and the public, or

(c) support of other activities in the public interest.

In no event shall proceeds from the Service be used to defray the costs of operating the San Bernardino County Bar Association (other than those properly apportionable as

expenses for the purposes described in subsection (a), (b), and (c) hereof) or be used solely for the benefit of the members of the San Bernardino County Bar Association or members of the State Bar of California.

#### 17. Indemnification

The Panel Attorney agrees to indemnify the Service and the San Bernardino County Bar Association against any loss to said Service or Association, on account of the Panel Attorney, and will pay the Service and/or Association reasonable charges for expenses incurred by said Service and/or Association, as a result of the Panel Attorney's failure to do what he or she has agreed to do, by becoming a member of the Lawyer Referral Service.

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Revised 01/03/1992: 7.c. Fees; 17. Indemnification  
Revised 02/07/1990: 11.0 Legal Fees [A.(1)] (corrected 09/06/1990)  
Revised 11/17/1992: 7.c. Fees; 17. Indemnification  
Revised 01/26/1995: 6.k. Law Firm Panelists  
Revised 03/10/1998: 6.0 - Experience Panels  
Revised 07/28/1999: 6.0 - Principal Office  
Revised 12/18/2001: 11.a.1 Con Fees: 06/2002 Waivers  
Revised 12/09/2003: 11.a.1 Con Fees: Max Charge (\$35)  
Revised 01/01/2005: 7.A, B Panel Fees  
Revised 06/03/2005: 6.j. Addition of ADR Panel  
Revised 07/16/2007 11.a.1 Con Fees: Max Charge (\$40)  
**Revised 03/08/2010 6.l. Added new subject matter panels**

# Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services

**Effective January 1, 1997**

## **Rule 1. Purpose of Rules**

1.1 The purpose of these Rules and Regulations Including Minimum Standards ("Rules") is to establish minimum standards for the operation of Lawyer Referral Services and facilitate the enforcement of Business & Professions Code §6155 pertaining to Lawyer Referral Services.

## **Rule 2. Citation of Rules**

2.1 These Rules shall be cited and referred to as the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services Including Minimum Standards for Lawyer Referral Services in California ("Rules"). With the approval of the Supreme Court, these Rules are subject to amendment, repeal or other action by the Board of Governors of the State Bar of California.

## **Rule 3. Policy of the State Bar Regarding Lawyer Referral Services**

3.1 It is the policy of the State Bar of California that every community be served by one or more certified Lawyer Referral Service. Where the size of the community or the number of lawyers serving it make the establishment of a separate Lawyer Referral Service impractical, the State Bar encourages the establishment of a regional Lawyer Referral Service embracing two or more such communities, subject to Rule 8.2 which requires separate certification for each county in which a Lawyer Referral Service operates.

3.2 It is also the policy of the State Bar of California that activities in violation of these Rules, the Business & Professions Code, or other authorities pertaining to Lawyer Referral Services, be curtailed.

## **Rule 4. Definition of a Lawyer Referral Service**

4.1 "Lawyer Referral Service" means an individual, partnership, corporation, association, or any other entity, or a service or agency of an entity, which operates for the direct or indirect purpose of referring potential clients to lawyers, whether or not the term "referral service" is used. This definition shall not apply to those entities or persons exempted by Business & Professions Code §6155, subdivision (c) or (h).

4.2 "Entity" means an individual, partnership, corporation, association or any other form of organization.

4.3 A Lawyer Referral Service shall be comprised of these separate parts:

- (a) A staff which processes the requests for legal assistance;
- (b) A panel of lawyers who provide legal assistance; and
- (c) A committee or governing body as defined in Rule 10.1.

## **Rule 5. Purposes of a Lawyer Referral Service**

5.1 The purposes of a Lawyer Referral Service shall be:

- (a) to provide a way in which any person may be referred to a qualified, insured lawyer who is able to render and is interested in rendering needed legal services;
- (b) to provide information about lawyers and the availability of legal services which will aid the public in their selection of a lawyer;
- (c) to inform the public when and where to seek legal and dispute resolution services;
- (d) to provide general, legal and dispute resolution information needed by the public;
- (e) to improve the quality of legal services available to the public; and

(f) to provide access to affordable legal services to the public.

## **Rule 6. Application for Certification to Operate a Lawyer Referral Service**

6.1 Application for certification or recertification as a Lawyer Referral Service shall be made on a form supplied by the State Bar which from time to time may be amended by the State Bar. Certification shall be granted only upon a showing that the Lawyer Referral Service has complied with each of these Rules, Business & Professions Code §6155 and other relevant authorities.

6.2 All applications, reports and other documents required to be filed with the State Bar by Lawyer Referral Services shall be signed and verified by the owner or duly authorized agent of the Lawyer Referral Service and filed at the State Bar's Lawyer Referral Services Certification Program in San Francisco, California.

6.3 Applications for first time certification may be filed at any time during the year. Applications for recertification must be submitted in conjunction with the filing of the annual report to the State Bar pursuant to Rule 15.2.

6.4 For the purpose of determining whether an application is timely, the application shall be deemed submitted when actually delivered to the State Bar's Lawyer Referral Services Certification Program in San Francisco or when deposited in the United States mail, first class postage prepaid, addressed to the Lawyer Referral Services Certification Program, State Bar of California in San Francisco.

6.5 The Chief Executive Officer of the State Bar or a person or persons designated by the Chief Executive Officer shall review each application and within a reasonable time thereafter approve or deny the application and notify the applicant of the reasons therefore, or seek additional information regarding an incomplete or insufficient application. If the application is determined to be complete and in compliance with these Rules and other applicable authorities, a certificate of compliance shall be issued. This review may include an investigation and administrative audit as provided in Rule 16.

6.6 The applicant shall be notified in writing if an application is incomplete or deficient. If an applicant fails to complete the application or correct any deficiency within sixty (60) days of written notification, the application shall be deemed withdrawn without a refund of the fee except as provided in Rule 9.

## **Rule 7. Denial of Application for Certification to Operate a Lawyer Referral Service**

7.1 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, may deny an application for certification or recertification for failure to submit a complete and sufficient application, for failure to demonstrate full compliance with these Rules and other applicable authorities, or for other good cause. Cause for denial of certification or recertification shall include but not be limited to:

- (a) Noncompliance with any provision of the statutes, these Rules or other authorities governing Lawyer Referral Services;
- (b) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers;

(c) Direct or indirect consideration regarding referrals between an owner, operator or member of a Lawyer Referral Service and any licensed or unlicensed health care provider; or

(d) Advertising or soliciting on behalf of attorneys in violation of the Rules of Professional Conduct.

7.2 Written notice of the denial of the application and of the reason(s) for the denial shall be served by mail upon the applicants. Notice shall also be given to the panel attorneys listed in the application.

7.3 An applicant may request review of the denial of its application within thirty (30) days of the date of the notice of denial. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the applicant. The request shall be considered by a subcommittee appointed by the Board of Governors or another committee appointed for this purpose by the Board of Governors. The subcommittee shall provide the Lawyer Referral Service with an opportunity to be heard consistent with due process requirements.

7.4 Upon the completion of such consideration, the subcommittee shall 1) certify the Lawyer Referral Service with or without conditions as the subcommittee determines appropriate; 2) request further information or amendment to the application; or 3) decline to certify the Lawyer Referral Service.

7.5 The subcommittee shall report in writing its findings, determinations and reasons for its determinations. A copy of that report shall be served by mail upon the applicant.

7.6 An applicant may request review of the action of the subcommittee within thirty (30) days of service of the report of the subcommittee. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Applicant. The request shall be considered by the Board Committee on Legal Services or another committee appointed by the Board of Governors for this purpose. The Board Committee shall review the determinations of the subcommittee. It may hold hearings as it deems appropriate.

7.7 The Board Committee shall record in writing its findings and determinations and make such additional comments as it deems appropriate. Notice of such action shall be served by mail upon the applicant.

7.8 Any further review of the issues shall be in accordance with rule 952(d), California Rules of Court.

#### **Rule 8. Certification**

8.1 Certification shall be for no more than two years from the date issued or for such shorter periods of time as may be determined by the State Bar. Certification shall be renewed every two years or for such shorter periods of time as may be determined by the State Bar, by the filing of a recertification application.

8.2 If a Lawyer Referral Service operates in more than one county, it shall apply for separate certification for each county in which the Lawyer Referral Service operates and fulfill these Rules for each county. For the purpose of this Rule, a Lawyer Referral Service "operates" in a county if it makes referrals to attorneys in that county.

A Lawyer Referral Service will not be required to establish a separate office in each county in which it operates. For the purposes of this Rule, District 1 will be considered as if it were one county. State Bar District 1 counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc,

Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba.

This requirement may be waived if the Lawyer Referral Service presents written evidence to the State Bar that good cause exists for not fulfilling all these Rules for each county in which it operates.

8.3 If an application for recertification is timely completed and filed, the existing certification shall continue in effect until recertification is issued or denied, or until the existing certification is suspended or revoked pursuant to Rule 19.

8.4 If certification is not renewed or is revoked pursuant to Rule 19, it shall expire and terminate. All activities subject to certification must cease upon the expiration of certification, non-renewal of certification or upon notice of revocation of certification, unless certification is extended pursuant to Rule 8.3.

8.5 Denial of an application for first time certification shall not prohibit the filing of a new application. Upon reapplication, the applicant must demonstrate full compliance with all requirements for certification. The fee for reapplication shall be the same as for application.

8.6 Upon the expiration or revocation of certification or following denial of an application for recertification, an applicant may re-apply for certification but must do so in accordance with the Rules pertaining to first time certification.

#### **Rule 9. Fees**

9.1 An applicant for certification or recertification shall pay, as a condition to the filing of an application, fees established by the Board of Governors, in such reasonable amounts as may be determined, and from time to time modified, by the Board of Governors.

9.2 Such fees shall be determined, in whole or in part, by a consideration of any combination of the following factors: a Lawyer Referral Service's gross annual revenues, number of panels, number of panel members, amount of fees charged to panel members, or for-profit or non-profit status; provided that such application or recertification fees not exceed ten thousand dollars (\$10,000) or one percent (1%) of the applicant's gross annual revenues generated by lawyer referral activity, whichever is less.

9.3 Certification and recertification fees not paid within thirty (30) days after due shall be delinquent and shall be subject to late charges in such reasonable amounts as may be determined, and from time to time modified, by the Board of Governors.

9.4 Written notice of delinquent fees shall state: the amount of the unpaid fee; the amount of any late charges; that failure to pay all fees due including late charges may result in suspension or revocation of certification; and that a certified Lawyer Referral Service may voluntarily relinquish certification in lieu of suspension or revocation.

9.5 Certification may be revoked due to failure to pay fees after written notice of delinquency.

9.6 If an application is withdrawn in writing within twenty (20) days after submission, fifty percent (50%) of the application fee shall be refunded. There shall be no refund of fees after that period of time.

9.7 An applicant may request in writing a waiver or reduction of fees based on financial necessity. The State Bar shall approve or deny the request for waiver or reduction of fees

based on a consideration of, among other factors, the Lawyer Referral Service's gross annual revenues, panel size, geographic area served, and length of time in operation.

#### **Rule 10. Ownership and Supervision**

10.1 The Lawyer Referral Service shall be supervised in its establishment and operation by a Governing Committee ("Committee") consisting of a minimum of three (3) members, having authority to make decisions necessary to operate the Lawyer Referral Service. At least 50% of the Committee shall be active members of the State Bar of California, and at least 50% of the Committee shall not receive referrals from the Lawyer Referral Service.

10.2 The Committee shall meet at least quarterly and shall review the annual report submitted by the Lawyer Referral Service pursuant to Rule 15.2.

10.3 The Committee shall also conduct and annually review the results of a random sampling of at least 10% of the clients referred to attorneys as to the client's satisfaction with the attorney's handling of the case and whether the client felt the fee charged was reasonable. Based on its review, the Committee shall make such alterations to the operation of the Lawyer Referral Service as it deems necessary.

10.4 A Lawyer Referral Service shall not be owned or operated, directly or indirectly, wholly or in part, by those lawyers to whom, individually or collectively, more than 20 percent of referrals are made. For purposes of this subdivision, a Lawyer Referral Service that is owned or operated by a bar association shall be deemed to be owned or operated by its Governing Committee so long as the Governing Committee is constituted and functions in the manner described by these Rules.

10.5 A Lawyer Referral Service shall establish and provide, to each client referred to an attorney, an address and telephone number in his or her county to which complaints about the Lawyer Referral Service or its attorneys may be directed, and shall inform clients that any unresolved complaints should be addressed to the State Bar of California.

#### **Rule 11. Eligibility and Approval of Panel Attorneys**

11.1 (a) Membership on any panel operated by the Lawyer Referral Service shall be open to all active members of the State Bar of California practicing in the geographical area served who are qualified by virtue of suitable experience in conformity with Rule 12.2. Attorney registration and membership fees shall be limited to reasonable amounts and shall encourage widespread attorney membership. Those Lawyer Referral Services with total registration and panel membership fees in excess of \$1,000 per month will be required to demonstrate that fees are reasonable and encourage widespread attorney membership. The factors which may be considered in evaluating the reasonableness of membership fees include, but are not limited to, the following:

- (1) the number of attorneys in the geographic service area as well as the number of attorneys applying to be members of the Lawyer Referral Service who are accepted and who are rejected;
- (2) the cost of advertising, operations and member services;
- (3) the panel membership fees of other certified Lawyer Referral Services operating in the same area;
- (4) the number of attorneys who are members of the Lawyer Referral Service and the number of clients served by members of the Lawyer Referral Service;

(5) the nature and extent of programs for persons of limited means pursuant to Rule 12.5 undertaken by the Lawyer Referral Service.

(b) Membership on a panel may not be made contingent upon membership in a sponsoring entity; however, a separate, nominal administrative charge may be made to non-members of the sponsoring entity to reimburse the entity for its administrative services.

(c) Any arrangement, promise, agreement or understanding for or purchase by an attorney of more than one contract with the same Lawyer Referral Service or for the same subject matter panel of that Lawyer Referral Service is grounds for denial of certification or recertification or for decertification.

(d) Panel membership fees shall not be set with any representation, promise, agreement, understanding or guarantee to attorneys of a minimum number of contacts, calls, cases, referrals or clients or any arrangement or practice by a Lawyer Referral Service which directly or indirectly produces a guaranteed number of contacts, calls, cases, referrals or clients, including but not limited to: compensation for rejected referrals; free or reduced-fee extension of the attorney's contract with the Lawyer Referral Service; representation of referrals based upon past averages or formulas. Lawyer Referral Services may disclose actual past performance when the information is accurate, complete and not misleading.

11.2 Each attorney member of a Lawyer Referral Service panel shall agree in writing to abide by all rules and regulations of the Lawyer Referral Service including the requirement that each panel member submit any fee dispute arising between such member and a client referred by the Lawyer Referral Service, if the client so elects, to binding arbitration by a Fee Arbitration Committee of a bar association or other established Fee Arbitration Committee established pursuant to Business & Professions Code §6200 et seq., or by means otherwise acceptable to the State Bar.

11.3 Each Lawyer Referral Service shall require each panel member to possess a policy of errors and omissions insurance in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year. Proof of insurance shall be provided to the State Bar upon request.

11.4 The Governing Committee or its designee shall establish a method of review for continued panel membership. Such review shall be conducted at least once every two years and shall evaluate the quality of services provided by member attorneys.

11.5 Each Lawyer Referral Service shall establish a uniform procedure to review refusals to admit an attorney to, and decisions to suspend or remove an attorney from, membership on any panel. In every case where a Lawyer Referral Service refuses to admit an attorney to a panel or suspends or expels an attorney from a panel, the Lawyer Referral Service must give the attorney a written statement of the reasons for its decision and offer the attorney a meaningful opportunity to be heard.

11.6 Each Lawyer Referral Service shall provide every panel member with a copy of these Rules.

#### **Rule 12. Organization of Panels**

12.1 Each Lawyer Referral Service shall establish such number and variety of panels as it determines will best enable the Lawyer Referral Service to make referrals that are responsive to individual client needs, pursuant to Rule 5.1.

12.2 Each Lawyer Referral Service shall establish one or more specific subject matter panels, and is encouraged to establish moderate and no fee panels, foreign language panels, alternative dispute resolution panels, and other special panels which respond to the referral needs of the consumer public, eligibility for which shall be determined on the basis of experience and other substantial objectively determinable criteria. Any attorney who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification. A Lawyer Referral Service may maintain a general panel.

12.3 For each subject matter panel, the Committee shall establish and file with the State Bar standards and procedures for:

- (a) determining the qualifications for membership on the subject matter panel;
- (b) reviewing the qualifications of a member to remain on or to be removed from the subject matter panel; and
- (c) appealing decisions to suspend or remove a member from the subject matter panel, pursuant to Rule 11.5.

12.4 Each subject matter panel established must have a minimum of four (4) attorney panel members. This requirement may be waived if the Lawyer Referral Service presents written evidence to the State Bar of California that good cause exists to have fewer than four (4) attorney members.

12.5 In an attempt to increase access to the justice system for all Californians, the Lawyer Referral Service shall establish separate ongoing activities or arrangements that serve persons of limited means, unless it can demonstrate that it is unreasonable and impractical to do so. These activities or arrangements may include, but are not limited to programs that: provide free legal services to indigents; provide legal services at a reduced fee; and provide free legal advice and clearing house referral services to the public; or other cooperative efforts with existing pro bono programs.

To determine whether it is unreasonable and impractical for a Lawyer Referral Service to comply with this section, the following factors, among others, may be considered:

The financial resources of the Lawyer Referral Service, size of staff, total number of panel attorneys, the specialty areas of attorney members of the Lawyer Referral Service, the fees charged by the attorney members to clients of the Lawyer Referral Service, and the needs of the community, including the existence and accessibility of other local pro bono or legal services programs able to meet these needs.

12.6 There must be a minimum of twenty (20) attorney members to whom referrals can be made, and at least ten (10) attorney panel members must be from separate and independent law firms. This requirement may be waived or modified if the Lawyer Referral Service presents written evidence to the State Bar that good cause exists based on the local population, the attorney population or the geographic area to be served.

### **Rule 13. Referral Procedures**

13.1 The Governing Committee shall establish rotational procedures to assure that each referral is made in a fair and impartial manner. To the extent feasible, such procedures shall be designed to respond to all circumstances of the client, including the type of the legal problem presented, geographic convenience and language needs.

The Lawyer Referral Service shall not operate so that all referrals from a specific geographical area are made to a single lawyer or law firm.

Failure to rotate sequentially all referrals to lawyers on the panel and/or failure to keep and maintain complete, current and continuous records of all referrals made to attorneys are grounds for denial of certification or recertification or for decertification.

13.2 No referral shall discriminate on the basis of race, color, sex, age, religious creed, national origin, ancestry, sexual orientation, disability, medical condition, marital status, political affiliation or veteran status.

13.3 No referral shall be made which violates any provision of the State Bar Act or Rules of Professional Conduct, including, but not limited to, restrictions against unlawful solicitation and false and misleading advertising.

13.4 The staff persons making the referrals and processing the requests for legal assistance may not be employees of any attorney to whom referrals are made.

13.5 A Lawyer Referral Service shall not be principally operated by a telephone answering service or device.

### **Rule 14. Publicity**

14.1 Any publicity program or advertising developed, maintained or utilized by a Service shall promote the purposes of a Lawyer Referral Service as set forth in Rule 5. A copy of all materials used in publicity programs, advertising or other disseminations to the public shall be filed with the State Bar with any application for certification or recertification, and with the Lawyer Referral Service's annual report upon request of the State Bar.

14.2 The form and content of all publicity of the Lawyer Referral Service shall not be false or misleading and shall comply with the standards for such publicity defined in the Rules of Professional Conduct and Business & Professions Code. For the purpose of public information and evaluation of the Service and its advertising, all advertising shall include the identity of the sponsor(s), the fact that it is a Lawyer Referral Service, the counties in which it operates and the State Bar Certification number of the Lawyer Referral Service.

### **Rule 15. Records and Reports**

15.1 Each Lawyer Referral Service shall maintain and provide to the State Bar, upon request, current records of its operation including at least the following information:

- (a) the name, address and pertinent qualifications of each panel member and the number and types of matters referred to each panel member;
- (b) the name, address and type of matter presented by each client referred, the name of the panel member to whom the referral was made, and the date the referral was made;
- (c) the total fees the Lawyer Referral Service requires of its panel attorneys, including but not limited to: registration fees to join the Lawyer Referral Service; fees paid to belong to each panel an attorney elects to join; referral or consultation fees remitted back to the Lawyer Referral Service; forwarding fees; advertising fees or other miscellaneous fees paid by the panel attorney to the Service.

15.2 The Committee of each Lawyer Referral Service shall file with the State Bar an annual report on the activities of the Service and of the Committee. Such report shall include at least the following:

- (a) statistics derived from the operating records required by Rule 15.1 and what, if any, alterations have been made

in the conduct of the Service by the Committee pursuant to Rule 10.3;

(b) a detailed accounting of all sources and amounts of income to the Service, all expenses related to the operations and promotion of the Lawyer Referral Service, the amount of current reserves held by the Lawyer Referral Service, and the specific disposition over the past two years of any reserves and/or surpluses derived from the Lawyer Referral Service; and

(c) the number of cases sampled pursuant to Rule 10.3, together with the results of the random sampling.

15.3 Failure to file the annual report by the recertification due date without a showing of good cause to the State Bar shall result in the immediate withdrawal of certification to operate a Lawyer Referral Service.

15.4 All documents, records, communications, and other materials from or pertaining to a Lawyer Referral Service, including its application for certification, shall become the property of the State Bar and shall be held in confidence and not released except upon prior order of the Board of Governors or by consent of the applicant.

#### **Rule 16. Investigative Audits**

16.1 Prior to certification or recertification and/or waiving the application or renewal fee under Rule 9.7, the State Bar of California shall review and conduct an investigation and administrative audit of each Service, as the State Bar deems appropriate and as resources allow, to determine and assure compliance with these Rules.

16.2 The State Bar shall have the right at any time to conduct an audit or investigation of any Service. Any audit or investigation under Rule 16 shall be at the Service's expense. The Service and its sponsoring entity shall have the obligation to cooperate fully therewith.

#### **Rule 17. Fees Charged by a Lawyer Referral Service**

17.1 A Lawyer Referral Service may require that:

(a) Each panel member pay to the Lawyer Referral Service a registration fee, "referral" or "percentage" fee (computed on a percentage basis or otherwise), or other like participating fee, or any two or more of such fees, as a condition of panel memberships, provided that such membership fees are reasonable and do not discourage widespread attorney membership;

(b) Each panel member pay the Lawyer Referral Service a referral, initial consultation or similar fee, or any two or more of such fees, as a condition of referral; provided, however, that no Lawyer Referral Service may require any fee that is, or any combination of fees that are, either in conflict with statutory or other legal provisions for the award of attorney fees or unreasonable, whether those fees be required of applicants, panel members or both. A Lawyer Referral Service is prohibited from charging a combination of fees which increases the client's cost for legal services beyond that which he or she would normally pay, or decreases the quantity or quality of services which he or she would otherwise receive, absent involvement of the Lawyer Referral Service.

17.2 The income generated by a non-profit Lawyer Referral Service shall be used only to pay reasonable operating expenses of the Service and/or to fund programmatic public service activities of the Service or its sponsoring entity, including the delivery of pro bono legal services.

#### **Rule 18. Complaints**

18.1 Complaints regarding Lawyer Referral Service activity must be in writing and submitted to the State Bar's Lawyer Referral Services Certification Program at the State Bar's San Francisco address. Complaints must provide sufficient factual

information for the State Bar to determine if the complaint establishes a violation of these Rules or other applicable authorities.

18.2 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, shall review all complaints and within a reasonable time thereafter determine what action, if any, is appropriate. The complainant shall be entitled to notice of what action, if any, is taken in connection with the complaint. The State Bar shall provide the entity complained against with written notice of the complaint and an opportunity to respond when it appears that a violation of these Rules or other applicable authorities is involved.

18.3 Upon receipt, a complaint shall become the property of the State Bar. Complaints and investigations shall remain confidential until service of written notice of intent to revoke or suspend certification.

#### **Rule 19. Revocation or Suspension of Certification**

19.1 The Chief Executive Officer of the State Bar, or a person or persons designated by the Chief Executive Officer, may revoke or suspend certification for failure to demonstrate full compliance with these Rules or other applicable authorities, or for other good cause including but not limited to:

(a) Noncompliance with any provision of the statutes, these Rules or other authorities governing Lawyer Referral Services;

(b) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers;

(c) Direct or indirect consideration regarding referrals between an owner, operator or member of a Lawyer Referral Service and any licensed or unlicensed health care provider; or

(d) Advertising on behalf of attorneys in violation of the Rules of Professional Conduct.

19.2 Revocation or suspension may include an investigation and administrative audit as provided in Rule 16.

19.3 Written notice of intent to revoke or suspend certification and of the reason(s) for such action shall be served by mail upon the Lawyer Referral Service.

19.4 A Lawyer Referral Service may request review of a determination to suspend or revoke certification within thirty (30) days of written notice of the intent to revoke or suspend. The request must be in writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Lawyer Referral Service. The request shall be considered by a subcommittee appointed by the Board of Governors or another committee appointed for this purpose by it. The subcommittee shall provide the Lawyer Referral Service with an opportunity to be heard consistent with due process requirements.

19.5 Upon the completion of such consideration, the subcommittee shall 1) revoke or suspend a certificate of compliance; 2) request further information; 3) decline to revoke or suspend a certificate of compliance, with or without conditions as the subcommittee may determine appropriate.

19.6 The subcommittee shall report in writing its findings, determinations and reasons for its determinations. A copy of that report shall be served by mail upon the Lawyer Referral Service, and the affected panel attorneys shall be given notice of any adverse action taken.

19.7 A Lawyer Referral Service may request review of the action of the subcommittee within thirty (30) days of service of the report of the subcommittee. The request must be in

writing, set forth the reasons review is sought and include all relevant evidence supporting the position of the Lawyer Referral Service. The request shall be considered by the Board Committee on Legal Services or another committee appointed by the Board of Governors for this purpose. The Board Committee shall review the determinations of the subcommittee. It may hold hearings as it deems appropriate.

19.8 The Board Committee shall record in writing its findings and determinations and make such additional comments as it deems appropriate. Notice of such action shall be served by mail upon the Lawyer Referral Service.

19.9 Any further review of the issues shall be in accordance with rule 952(d), California Rules of Court.

19.10 During the pendency of proceedings pertaining to suspension or revocation of certification, the existing certification shall remain in effect, subject to directives from the subcommittee or Board Committee based on appropriate findings.