



**BROWARD COUNTY BAR ASSOCIATION**  
**LAWYER REFERRAL SERVICE REGULATIONS**  
*Effective 10/1/2015*

**SECTION I. PURPOSE**

The purpose of the Lawyer Referral Service of the Broward County Bar Association, Inc., is to assist the general public by referring them to a member of the Association who has agreed to provide a consultation in accordance with these Regulations.

**SECTION II. GOVERNANCE**

1. *The Lawyer Referral Service (LRS) is a program of, and is operated from the offices of, the Broward County Bar Association, Inc. (BCBA), under the supervision of the Executive Director.*
2. *Regulations concerning LRS policies and procedures are developed and recommended by a Lawyer Referral Service Committee (Committee), and are approved by the Board of Directors of the BCBA. The Chair and members of the Committee are selected as provided in the By-laws of the BCBA.*
3. *Any changes to these Regulations will take effect immediately.*

**SECTION III. FORMATION OF THE LRS PANEL**

1. Membership in the LRS panel is open to all Florida Bar members in good standing that are members of the Broward County Bar and who meet the qualifications established by these Regulations. The panel may be divided by subject area of practice, language spoken and geographical location of members. Special panels, such as a Low Cost Legal Panel, may also be created.

2. Membership on the LRS panel is obtained by submission of a membership application, along with the appropriate panel registration fee. LRS membership must be renewed each fiscal year by completion of an application.

3. By submitting a signed application for LRS panel membership, the applicant agrees to abide by these Regulations.

4. The LRS membership application is made only for the referred panel member and not on behalf on his/her Firm or any of his/her associates. The initial consultation in connection with any referred matter will be with the referred attorney.

5. Any charge for legal services beyond the initial consultation will reflect a reasonable attorneys' fee, in keeping with the goal of increased access and service to the public. Panel members are not obligated to accept employment beyond the initial consultation.

6. Any dispute concerning the attorneys' fees charge to LRS-referred clients will be submitted to The Florida Bar Fee Arbitration Program, at the option of the client.

7. Panel members will submit reports as requested by the LRS regarding referred clients and funds due to the BCBA. Reports and related funds are due within 30 days of the panel member's receipt of the request. ***Failure to pay within 30 days may result in addition of interest at the rate of 1.5% per month or the maximum permitted by law, whichever is higher.***

8. Failure to account for referrals and/or funds for more than 60 days after a report is due is grounds for suspension from the LRS. Notice will be given before suspension occurs.

9. A panel member may not contact a LRS-referred client before the client has contacted the attorney, unless express permission for such contact has been obtained from the client by the LRS staff. Unsolicited contact with potential clients may violate Rule 4-7.4 (a) of the Rules Regulating the Florida Bar.

10. The LRS will maintain records of all referrals and related funds, and will supply information on the operation of the LRS to the BCBA and The Florida Bar, as requested.

11. The LRS may survey all or a portion of LRS-referred clients to determine their satisfaction with the LRS and with the services provided by panel members. Survey results may be shared with panel members, and reports may be compiled from survey results for use by the BCBA.

#### **SECTION IV. QUALIFICATIONS OF LRS PANEL MEMBERS**

An LRS panel member must possess and maintain the minimum qualifications listed below:

1. Membership in good standing in The Florida Bar and the Broward County Bar Association.

2. Professional liability insurance in an amount not less than \$100,000.

3. Must not be the subject of a disciplinary proceeding in which probable cause has been found, must not have a matter pending before a Grievance Committee and must not be the subject of an Order of Suspension by the Florida Supreme Court.

4. Must maintain an office in Broward County for the conduct of law practice. LRS panel member must be able to provide physical meeting location at listed office address within 48 hours of client's initial consult request. Home offices, borrowed spaces, conference centers, cell phone or 800 numbers and other such arrangements may not meet this qualification and must be approved on a case-by-case basis by the Executive Director.

5. Must have a completed application on file, along with all necessary evidence of compliance with these Regulations.

6. Must certify on the application that the panel member is qualified to handle matters in the practice areas in which referrals will be accepted.

#### **SECTION V. OPERATION OF THE PANEL**

1. Staff will obtain basic information from callers to the LRS: name, location, phone and reason for call. Callers then will be offered the name of one attorney in the area of law, language and geographic area the caller needs. It will be up to the potential client to contact the attorney, who is obligated for a half-hour consultation in person or on the phone.

2. Staff making the referral immediately will email to the referred attorney a form with the basic information regarding the referred client. The original email forms will be numbered and filed for future reference.

3. Clients will pay BCBA \$50, except contingency fee cases, (medical malpractice, legal malpractice, personal injury/wrongful death, social security disability and workers compensation) and Low Cost Traffic Defense Panel will be free of charge. The referral fee is payable by either of two methods:

A. Credit card at the time of the contact with LRS. Provision of the credit card number will be considered authorization for the BCBA to charge the referral fee.

B. Cash or money order mailed or brought in person to the BCBA.

4. Attorneys with contingent fee cases outstanding will receive reminders to update their case status.

5. LRS panel members who receive referrals owe 10% of the attorney's fee over \$500 to the Broward County Bar Association. Remittance is due upon distribution of the proceeds of any settlement or award. *If a panel member refers* the client to another attorney, the panel member will continue to be responsible for the quality of the services performed, for all reports to the LRS and for the 10% remittance on the entire attorney's fee realized in the case. The panel

member is responsible for informing associated counsel of this provision and for protecting the interest of the BCBA in all attorneys' fees. Attorneys who are on the ***Low Cost Panels do not remit 10% of their fees to the BCBA unless client's qualification is changed and case is charged at regular fee.*** Attorneys who are on the Low Cost Defense Panel pay fee according to rules set forth by said program.

6. Referrals will be made in rotation among panel members who have indicated that they desire and are qualified to receive referrals in the practice areas in which the client desires services. Selection of a particular panel member for a referral may be affected by the geographical area of the County or language spoken as requested by the client. Referrals to a panel member will be suspended for the duration of the attorney's vacation, illness or other non-availability.

7. For out-of-area client referrals sent to the BCBA by mail, fax or e-mail, staff will forward the request for legal help to a lawyer on the appropriate panel upon payment of the referral fee by the client. ***If the panel member is unable to assist the client, any documents sent to the member should be returned to the LRS immediately so another referral can be made.***

8. A client may decline a particular referral for good cause, and will be referred to the next attorney in rotation.

9. If a client is unable to contact the referred attorney, or if, after brief telephone contact, that attorney is unable or unwilling to assist and the client is still in need of legal services, the client can receive a second referral for no additional charge as long as no consultation have been provided.

10. LRS does not discriminate in making referrals based upon race, ethnicity, religion, nationality, gender, sexual orientation, or handicap.

#### **SECTION VI. REGISTRATION FEES**

1. Annual registration fees for membership on the LRS panel are \$100.00 for the fiscal year, which entitles panel members to be listed in a maximum of five practice areas. A maximum of five additional practice areas may be added at a fee of \$15 per area. Registration fees must be paid within thirty days after the start of the renewal date, or panel membership will be terminated.

2. Members wishing to be listed in specialized areas of practice (personal injury/wrongful death, medical malpractice, dental malpractice, legal malpractice or worker's compensation) will pay an ***additional*** \$100 per area.

#### **SECTION VII. LOW COST PANEL**

All rules govern both the regular LRS as well as the Low Cost Panel, with the exception of Section VI. (1) Registration fees- there is no registration fee for attorneys to join the Low Cost Panel.

1. As a member of the BCBA's Low Cost Program, attorney must set fees as specified by the BCBA when a low cost client is referred by the Association's office.

2. Once assigned a case by the BCBA, the client will contact the attorney. If the attorney is not immediately available, there is an allowed grace period of forty-eight hours to make contact with the client. The BCBA can reassign another attorney, should the client request one, after the forty-eight hour allowed grace period has passed.

3. The BCBA will collect from each client a \$50 referral fee prior to referring the client. The referral fee is to be equally shared with the law firm only if the referred client **does NOT** sign up for representation.

4. BCBA will issue a check to LRS panel members at least quarterly in the amount of \$25 for each referral fee collected unless waived.

5. Pre-qualification of a client's eligibility for the Low Cost Program is made by the LRS case manager. The final determination of eligibility is to be made by the attorney during the initial consultation. If the attorney determines that the client has an income exceeding the Low Cost Program guidelines, is financially able to pay reasonable attorneys' fees, client has a final hearing (trial) or case is very complicated; additional fees for legal services should be at the attorney's regular fee. The attorney will verify client's income and will provide client's final qualification based on check stubs, W2 forms, affidavit, etc. or complications of the case.

6. LRS panel member will be responsible to report to the BCBA LRS if client's qualification changes and attorney's regular fees are charged. LRS panel member will remit 10% over \$500 in fees that exceeds the Low Cost \$50.00 hourly fee.

#### **SECTION VIII. LOW COST TRAFFIC DEFENSE PANEL**

All rules govern both the regular LRS as well as the Low Cost Traffic Defense Panel.

1. As member of the BCBA's Low Cost Traffic Defense Panel, attorney must set fees as specified by the BCBA when a client is referred by the Association's office.

2. Once assigned a case by the BCBA the client will contact the attorney. If the attorney is not immediately available, there is an allowed grace period of forty-eight hours to make contact with the client. The BCBA can reassign another attorney should the client request one, after the forty-eight hour allowed grace period has passed.

3. The BCBA will not collect referral fees from the client. The attorney will submit case fees based on traffic ticket type on retained cases.

#### **SECTION IX. WITHDRAWAL FROM THE PANEL**

A panel member may withdraw from the LRS at any time upon written notice to the Executive Director of the BCBA, but must comply with the provisions of Section X (5) below.

#### **SECTION X. REFUSAL OF APPLICATION AND REMOVAL FROM PANEL**

1. Any prospective panel member whose application fails to show compliance with all necessary qualifications of panel membership established by these Regulations shall be refused membership until the deficiencies are corrected. If the applicant fails to show compliance within 30 days of notification of the deficiencies, the registration fee will be returned.

2. A panel member, who during the course of the fiscal year, fails to maintain compliance with all necessary qualifications of panel membership, or with the requirements of these Regulations, will be suspended from panel membership until the deficiencies are corrected.

3. Attorneys will be notified by the Executive Director in writing of the denial, suspension or termination of panel membership. Within ten days of the date of notification, the action may be appealed to the LRS Committee. The Committee has thirty days after receipt of the appeal to hold a hearing, at which the attorney may appear and present evidence, including testimony.

4. A final appeal may be taken to the Board of Directors of the BCBA within ten days of the Committee's decision. The decision of the Board of Directors is final.

5. Former panel members, whether withdrawn or terminated for non-payment or non-compliance, as well as panel members during a period of suspension, are not relieved of their obligations under these Regulations to handle, report on, and remit funds for pending LRS cases, nor will any portion of their registration fees be refunded.