

LAWYER REFERRAL SERVICE

of the Riverside County Bar Association
4129 Main Street, Suite 100 • Riverside, California 92501
Phone (951) 682-7520 • (760) 568-5555 • Fax (951) 682-0106
Website: <http://riversidelrs.org/> • Email: lrs@riversidecountybar.com



Dear Panel Attorney:

Thank you for your interest in joining the Lawyer Referral Service (LRS) of the Riverside County Bar Association. Enclosed you will find the following:

1. APPLICATION FOR MEMBERSHIP
Please fill out, sign, date and return with appropriate dues to our office. Attach a copy of your certificate of insurance coverage.
2. RULES GOVERNING THE SERVICE
Please read carefully before completing your application(s).
3. DISCIPLINARY STATUS DECLARATION FORM
Please fill out, sign, date and return with your application.
4. SUBJECT MATTER PANEL APPLICATION FORM
If you have selected any of the panels with an asterisk (*), please complete and return this form for each subject matter that you've chosen. Copy form as needed.
5. MINIMUM QUALIFICATIONS FOR SUBJECT MATTER PANELS
Please read carefully before completing Subject Matter Panel Application Form.
6. MINIMUM STANDARDS PERTAINING TO LAWYER REFERRAL SERVICES CERTIFIED BY THE STATE BAR OF CALIFORNIA
"Title 3. Programs and Services, Division 5. Providers of Programs and Services, Chapter 3. Lawyer Referral Services, Rules 3.800-3.829." Please review and keep for your files.

When your application is submitted and approved your name will be placed in the appropriate referral categories in our computer.

Once again, thank you for your interest in the LRS. If you have any questions, please do not hesitate to call (951) 682-1015 or from the Desert area (760) 568-5555.

Sincerely,

LAWYER REFERRAL SERVICE

:lcy
Enclosures

\\application cover letter
06-2017

"Providing Service to the Community Since 1968"



LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100 ♦ Riverside, CA 92501
(951) 682-7520 ♦ (760) 568-5555 ♦ Fax (951) 682-0106

APPLICATION FOR MEMBERSHIP

Print Name _____

Firm Name _____

Office Address _____

Mailing Address (if different) _____

Phone _____ Fax _____ Email _____

Date admitted to California Bar _____ State Bar Number _____

I am a member of: Riverside County Bar Association Desert Bar Association

I speak the following languages _____

Courts that I practice in are _____

Check the fields of practice in which you wish to receive referrals. (Limited to six fields total).

- | | |
|---|--|
| <input type="checkbox"/> Administrative | <input type="checkbox"/> Labor Law* |
| <input type="checkbox"/> Auto Contract | <input type="checkbox"/> Landlord & Tenant* |
| <input type="checkbox"/> Bankruptcy Law* | <input type="checkbox"/> Military Law |
| <input type="checkbox"/> Business & Corporate* | <input type="checkbox"/> Other Torts & Negligent Acts* |
| <input type="checkbox"/> Civil Appellate | <input type="checkbox"/> Patents, Trademarks & Copyrights |
| <input type="checkbox"/> Conservatorship & Guardianship* | <input type="checkbox"/> Personal Injury* |
| <input type="checkbox"/> Consumer Contract | <input type="checkbox"/> Probate & Death Transfers* |
| <input type="checkbox"/> Criminal-Misdemeanor Adult* | <input type="checkbox"/> Prof. Malpractice (Dental/Legal/Medical)* |
| <input type="checkbox"/> Criminal-Felony Adult* | <input type="checkbox"/> Real Estate* |
| <input type="checkbox"/> Entertainment | <input type="checkbox"/> Social Security* |
| <input type="checkbox"/> Family Law* | <input type="checkbox"/> Taxation Law |
| <input type="checkbox"/> Family Law Subpanel: Limited Legal Service** | <input type="checkbox"/> Wills, Trusts & Estate Planning* |
| <input type="checkbox"/> Immigration & Naturalization | <input type="checkbox"/> Worker's Compensation* |
| <input type="checkbox"/> Juvenile Law* | |

Annual (July to June) panel dues of \$100.00 entitles you up to three fields. An additional three selections may be made at additional dues of \$30.00 each. Also, an additional Non-Member Assessment of \$200.00 will be added to any panelist who is not a member of the Riverside County Bar Association or Desert Bar Association. Panel dues and fees are non-refundable.

I understand that this application is made on my behalf, and not on behalf of a firm or any associates, or any other parties. If I am in a partnership which customarily provides joint legal services, other counsel in my partnership may be associated to perform a portion of professional services agreed upon provided that (a) the referred client agrees to such association, and (b) any counsel so associated is also a panel member of the Lawyer Referral Service, and (c) such associated counsel complies with the Rules Governing the Service in all respects, and (d) that the LRS is notified of the associate providing service to the referred client.

By submitting this membership application for approval to the LRS Committee and enrolling as a panel attorney, I hereby knowingly and voluntarily agree to submit any dispute concerning the LRS referral fee and percentage fee issues to binding arbitration, pursuant to California Code of Civil Procedure sections 1281 et seq., through the RCBA Dispute Resolution Service (DRS), subject to the DRS rules and cost.

I represent that I am covered by a policy of Errors and Omissions Insurance (Malpractice Insurance) with a minimum coverage of \$100,000/\$300,000. I understand that I will not receive any referral until proof of insurance coverage in the form of a Certificate of Insurance, issued by my carrier, is received by the LRS.

I have read and will abide by the Rules Governing the Service. I agree to be bound by the Rules of Professional Conduct governing attorneys and the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services and will abide by such Rules and all rules of the LRS which may be hereafter adopted.

I declare under penalty of perjury, under the laws of the State of California, that my statements on this application and any attachments are true and correct.

Signature _____

Date _____

* Minimum qualifications required (see attachment). **Please complete Subject Matter Panel Application Form.**

** Must be on main Family Law panel to qualify for this subpanel. No charge to be on this subpanel.

{**NOTE: Substantial Equivalent Experience** – If you do not have the stated requirements for panel membership but believe that you qualify by reason of substantial, equivalent experience, you may submit an outline of such experience on a separate sheet of paper and attach it to the Subject Matter Panel Application Form.}

| LRS Use Only | |
|--------------------|------------|
| Amount Rec'd _____ | Date _____ |
| Approved by _____ | |

**Lawyer Referral Service
of the Riverside County Bar Association**

RULES GOVERNING THE SERVICE

Revised October 27, 2016

RULE 1. PURPOSE

- 1.1 The purpose of the Lawyer Referral Service (“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. For a modest referral fee, the panel attorney will advise and consult with the potential client for up to thirty (30) minutes. Any additional legal services will be based upon an agreement between the attorney and client.

RULE 2. THE SERVICE

- 2.1 The Service is established, sponsored and operated by the Riverside County Bar Association (“Association”).
- 2.2 The Executive Director of the Association shall supervise and hire employees necessary to carry out the functions of the Service.
- 2.3 The Service shall be supervised in its actual operation by the Lawyer Referral Service Committee of the Riverside County Bar Association.

RULE 3. THE LAWYER REFERRAL SERVICE COMMITTEE

- 3.1 The Lawyer Referral Service Committee (“Committee”) shall consist of nine members. Eight members, including the chairperson and a lay member, shall be appointed by the Association. The ninth member shall be the President-Elect of the Association, who shall serve as vice chairperson. At least 50% of the Committee shall be active members of the State Bar of California. Except for the vice chairperson, each member shall serve for a minimum of two years. There is no limit on the number of years any member may serve.
- 3.2 At least two (2) members of the Committee shall be active panel members, and at least 50% of the Committee shall not receive referrals from the Service.
- 3.3 The Committee shall be charged with the operation of the Service and shall make such rules for the conduct and operation of same, including membership on the panel, as may, from time to time, be deemed proper.

RULE 4. PARTIES AND AREA SERVED

- 4.1 The Service is available to all persons, firms and entities, regardless of geographic location of their places of residence or business.
- 4.2 The judicial area served include all legal matters filed in the local, state or federal courts within Riverside County.

RULE 5. ELIGIBILITY AND APPROVAL OF PANEL ATTORNEYS

- 5.1 Any member of the State Bar of California in Good Standing who regularly practices and maintains an office in Riverside County may apply for registration as a panel attorney by signing and forwarding an Application for Membership to the Lawyer Referral Service. The term “Good Standing” shall mean the member is licensed to practice law in the State of California, and is not disbarred, suspended, or currently on probation.
- 5.2 The Committee reserves the right to reject any application for registration on the panel of the Service, or to suspend or remove, at any time, the name of any panel attorney from the panel. The Committee shall notify each person whose application is rejected or whose name is removed from the panel. If dissatisfied with the action of the Committee, any person so affected by this provision shall have the right to appeal to the Board of Directors of the Association upon written application made to the Secretary of the Association within ten (10) days from the date of notification of the Committee action of which such person is complaining.
- 5.3 The General Panel is for subject matters currently with less than four attorney panel members as required by Rules and Regulations of the State Bar of California pertaining to Lawyer Referral Services. This panel includes all civil litigation matters related to problems involving areas of practice for which no subject matter panel has been established. An attorney is eligible for the General Panel if the following terms and conditions are met by him or her:
 - (a) The attorney shall warrant that he or she is a member in Good Standing of the State Bar of California and is actively engaged in the practice of law and maintains an office in Riverside County;
 - (b) The attorney shall be given Rules Governing the Service prior to participation on the panel. The attorney shall abide by all the rules of the Service. A signed Application for Membership form acknowledging agreement with the Rules shall be filed with the Service prior to active status;
 - (c) The attorney shall sign and forward to the Service the Disciplinary Status Declaration Form;
 - (d) The attorney shall pay all fees due and owing to the Service for referral services, registration, or other fees set forth by the Rules. Failure to pay such fees when due shall be grounds for suspension or termination of membership on the panel;
 - (e) The attorney shall warrant that he or she is protected by a professional liability insurance policy with minimum coverage of \$100,000.00/\$300,000.00. It is the responsibility of the insured

attorney to request his or her carrier to supply the Lawyer Referral Service with a Certificate of Insurance and notice of any lapse in coverage. The attorney shall not receive any referral until proof of insurance is received by the Service nor during any period in which such insurance is not in force;

(f) The attorney shall warrant that he or she is in compliance with any continuing education requirement mandated by law.

(g) The attorney shall agree that:

(1) The information contained in his or her Application for Membership may be furnished to the applicants for legal service in the operation of the Service by the Association;

(2) Attorney shall receive referrals in areas designated by the Committee;

(3) He or she will in no event hold or claim to hold the Association, or the Service, or any officer, trustee, member or employee thereof to any liability whatsoever in connection with the operation of the Service or the use of information contained in his or her Application for Membership;

(4) The attorney will produce documents requested by the Committee for an evaluation examination and/or for an evaluation audit. The attorney will permit the Committee to communicate with applicants and/or clients referred to the attorney by the Service to determine whether services were provided, fees paid, and/or settlement received. The attorney will comply with the Procedures for an Evaluation Examination and/or Evaluation Audit (see Rule 11).

5.4 In addition to meeting the requirements of Rule 5.3 above, an attorney is also eligible to qualify for one or more of the Subject Matter Panels if the following terms and conditions are met by him or her:

(a) By applying for placement on a subject matter panel, the attorney warrants to the Service that he or she possesses the learning and skill necessary to perform his or her duties arising from the representation of a client in litigation or other legal representation involving claims of the sorts listed under the description of that subject matter panel. Furthermore, the attorney warrants that he or she will engage in such continuing legal education as is reasonably necessary to maintain that learning and skill at a level which is equal to that ordinarily possessed by other attorneys handling the same types of claims within the relevant community;

(b) Any attorney who is certified by the California Board of Legal Specialization as a specialist shall be qualified for membership on the subject matter panel for that field by virtue of his or her certification;

(c) The attorney warrants that he or she has satisfied the Minimum Qualifications for Subject Matter Panels and that a Subject Matter Application Form is filed with the Service for each subject matter panel from which attorney requests referrals.

5.5 The attorney must maintain an office pursuant to Rule 5.1 and Rule 5.3(a) above, which requires the attorney to have a physical location within the County of Riverside to meet, confer or otherwise conduct

business with the clients referred to the attorney by the Service.

RULE 6. FEES

- 6.1 Each panel attorney shall pay, as a condition to the filing of an Application for Membership, panel dues or fees established by the Service, in such reasonable amounts as may be determined, and from time to time modified, by the Service. There shall be no refund of panel dues or fees.
- 6.2 Each panel attorney shall render professional service to each client referred to him or her by the Service upon the following basis:
- (a) An administrative fee of \$40.00 payable to the Service shall be paid by the client, except for referrals to Social Security, Worker's Compensation or Personal Injury. This fee covers in part the operational expenses of the Service and does not cover fees for legal services. The client is entitled to a consultation of up to thirty (30) minutes with the panel attorney. The panel attorney agrees not to charge the client for this first half-hour of consultation. This is provided as a public service. The fee as specified above is to cover consultation and advice only, and does not include the preparation of letters or any other legal services;
 - (b) The Service may waive administrative fees on a limited basis only. If the client is a senior citizen and initiates the request for a fee reduction or waiver based upon limited financial resources, the \$40.00 fee can be waived;
 - (c) In circumstances where the client is unable to pay at the Lawyer Referral Service office prior to the consultation, the attorney agrees to collect and forward the \$40.00 administrative fee to the Service within ten (10) working days following the consultation.
- 6.3 Each panel attorney shall pay percentage fees to the Service. Fifteen percent (15%) of fees received from referred clients are due and payable fifteen (15) working days after receipt of the Service's quarterly reports.
- (a) If the percentage fee and/or administrative fee collection is more than sixty (60) days outstanding, the Committee shall reserve the right to enforce legal proceedings including but not limited to those remedies listed below to collect:
 - (1) Submit the matter to binding arbitration, pursuant to *California Code of Civil Procedures* sections 1281 et seq., through the RCBA Dispute Resolution Service ("DRS"), subject to DRS rules and cost.
 - (2) When necessary, file a civil lawsuit in an action for collections, breach of contract and common counts, through the appropriate judicial district of the Riverside County Superior Court.
- 6.4 Compensation for further legal services shall be fixed by agreement with the client and in keeping with the spirit of the Service. In arriving at the amount of the legal fee, the attorney shall take into consideration the client's ability to pay, regardless of whether such fee is fully compensatory to the panel attorney.
- 6.5 If any dispute over legal fees should arise between the panel attorney and any client referred by the

Service, and the client so requests, such dispute shall be submitted to the Fee Arbitration Committee of the Association for binding arbitration and final determination.

RULE 7. LIST OF PANEL ATTORNEYS AND ACCEPTANCE OF REFERRALS

- 7.1 The approved applications of panel attorneys shall be kept at the office of the Service. From such applications the Service will enter information into the computer as well as prepare index cards representing the panel attorneys for use in making referrals.
- 7.2 Each panel attorney shall designate the preferred category(s) of law, not to exceed six (6) categories. The Service shall endeavor to make referrals in accordance with the attorney's preference whenever possible. The attorney's designated preference may be amended at any time upon five (5) days written notice to the Service. The computer information will be used on a rotating basis with the index card file used as a backup.
- 7.3 A panel attorney shall not be permitted to limit acceptance of referrals based on the value of the property or the amount of the claim involved.
- 7.4 The panel attorney may not refer the client to another attorney if he or she chooses not to accept the case, but rather refer the client back to the Service for further assistance.

RULE 8. REFERRAL PROCEDURES

- 8.1 The Service 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.
- 8.2 No referral shall discriminate on the basis of race, sex, age, religion, national origin, sexual preference, or any handicap.
- 8.3 The Service's referral procedures shall be:
 - (a) The Lawyer Referral Service Intake Counselor ("Counselor") shall explain to the client seeking assistance that the Service is established to provide up to a one-half hour consultation with an attorney at a modest fee of \$40.00;
 - (b) The Counselor shall attempt to ascertain the subject area of needed legal services from the client in office or by phone;
 - (c) The panel attorney whose name appears first in the computer for that particular area of practice, shall be contacted for an appointment. If, for any reason, an appointment cannot be made at a time satisfactory to the client, the Counselor shall call the next panel attorney in order, and so on, until an appointment is made.
 - (1) Upon confirmation of the appointment with the client, referral forms are printed, copies of which are directed to the client, the panel attorney and one copy remains in the office of the Service. The forms are to be completed by the client and panel attorney

and returned to the Service.

RULE 9. ACKNOWLEDGMENT AND REPORT OF REFERRALS

9.1 The panel attorney shall acknowledge the referral by completing and forwarding the “Attorney Confirmation Form” to the Service.

(a) Following the initial interview with each client, the panel attorney will acknowledge the referral within ten (10) working days by returning the “Attorney Confirmation Form” to the Service. The form will indicate the status of the client’s case.

(b) Failure of a panel attorney to return this form may result in a three (3) month’s suspension by the Committee with loss of priority in the computer file effective at the end of suspension. Two such suspensions will be prima facie grounds for termination of the attorney from the Service.

9.2 At the end of each quarter, the Service shall issue a “Quarterly Report” to each panel attorney.

(a) The “Quarterly Report” shall include information regarding the status of all matters referred to the attorney including fees, if any, received. The panel attorney will provide the information requested on the report and forward any referral fees due within fifteen (15) working days.

(b) Failure of a panel attorney to provide the “Quarterly Report” and/or fees may result in a three (3) months suspension by the Committee. Two such suspensions will be prima facie ground for termination of the attorney from the Service.

RULE 10. RECORDS

10.1 The Service shall maintain complete records of all acknowledgments and reports of panel attorneys, requests for referral services, and all other correspondence. The Service shall also maintain complete financial books and records. All books and records of the Service shall be subject to examination and inspection by members of the Committee and officers of the Association.

RULE 11. PROCEDURES FOR ATTORNEY EVALUATION EXAMINATIONS AND AUDITS

11.1 In an evaluation examination (“examination”), the attorney will deliver to the Service legible copies of documents evidencing the retention (or non-retention) of the services of the attorney, all costs, expenses and fees paid to the attorney and paid by attorney to others, and all monies and/or settlement funds received (if any) for examination by Committee member(s) or designee(s) of the Committee.

11.2 In an evaluation audit (“audit”), the attorney will produce the originals of documents evidencing the retention (or non-retention) of the services of the attorney, all costs, expenses and fees paid to the attorney and paid by attorney to others, and all monies and/or settlement funds received (if any) for examination by Committee member(s) and any other person(s) designated by the Committee for the proper evaluation of the documents produced. Ideally, the examination of documents will take place in the offices of the

attorney. The attorney is expected to be present during the audit and also to produce during the audit those person(s) necessary for a proper evaluation of the documents examined.

- 11.3 An audit may be performed by the Committee on any attorney at any time and at the Committee's sole discretion and may be independent of, or as a result of an examination, or because of a fee dispute with a client or with the Service or for other reasons which in the Committee's opinion, constitute cause for audit. An attorney may be subject to multiple examinations and/or audits in any year period. If an attorney feels that the attorney has been subjected to an excessive number of examinations and/or audits, the attorney may inform in writing the Committee of the attorney's concerns. The Committee will respond in writing within thirty (30) days of receipt of the attorney's letter.
- 11.4 As to both examinations and audits, the Committee will give no less than thirty (30) days written notice of the documents which are to be produced by the attorney regarding identified applicants and/or clients.
- (a) If the attorney was not retained by the applicant(s) about which the Committee has requested documents, or if the attorney has no documents for any applicant(s) and/or client(s) identified in the Committee's notice, the attorney, no less than ten (10) days before the date of the production of the documents, will provide the Committee with a written verified statement identifying those applicant(s) identified in the Committee's notice who did not retain the services of the attorney and/or the identified applicant(s) and/or clients for which the attorney has no documents. It is the responsibility of attorney to keep documents of all retentions and non-retentions for twenty-four (24) months.
- (b) If the attorney contends that certain documents will not be produced because the documents contain privileged information, no less than ten (10) days before the date of the production of the documents, the attorney shall identify in writing the documents which the attorney intends not to produce, and briefly state the reason(s) why the attorney believe the documents to be privileged, similar to a "privilege log" regarding discovery in civil litigation.
- (c) If after identifying the documents, there remains a dispute between the attorney and the Committee as to whether the document(s) should be produced, the attorney will be required to seek a judicial determination of the validity of the attorney's refusal to produce the document(s). If the attorney fails to seek a judicial determination within ten (10) days the attorney waives any contest to producing the document(s). If it is determined that the attorney's refusal to produce the document(s) was without merit, the attorney will be required to reimburse the Service for any costs and reasonable attorneys' fees incurred by the Committee in the obtaining of that determination.
- (d) Attorney's refusal to produce any document(s), and/or the attorney's seeking a determination of the validity of the attorney's refusal to produce the document(s) will not delay the production of all other document(s) identified in the Committee's notice.
- (e) The unexcused failure of a attorney to produce any document(s) identified in the Committee's notice on the date noticed for the production of the document(s) will result in the immediate suspension of any further referrals by the Service to the attorney until the examination and/or audit is completed.
- (f) With the unexcused failure of a attorney to produce any documents in response to the Committee's notice, the Committee may take appropriate action to obtain an order directing the

attorney to produce the identified documents. If it is determined the attorney's failure to produce the documents was without justification, the attorney will be required to reimburse the Service for any costs and reasonable attorneys' fees incurred by the Committee in obtaining the order and/or determination.

(g) If the attorney is aware that the services of specially trained person(s), such as an accountant, tax consultant, appraiser, etc., will be required for the Committee to properly evaluate any document(s) produced by the attorney for an examination and/or audit, the attorney, no less than ten (10) days before the date for the production of the document(s), will inform the Committee in writing of that requirement, identifying the types of specially trained person(s) needed to properly evaluate the document(s) to be produced. The Committee will obtain the services of the identified specially trained person(s) without cost to the attorney.

(1) In an examination, the Committee may obtain the services of any appropriately or specially trained person(s) without notice to the attorney.

(2) In an audit, if the attorney fails to inform the Committee of the requirement for specially trained person(s) as set forth in Rule 11.4(g) above, and the audit cannot reasonably be completed and/or has to be continued to obtain services and review of the appropriately or specially trained person, the attorney will be required to reimburse the Service for the actual and reasonable fees and expenses of the person(s) who attempted to conduct the initial audit. The Committee without notice to the attorney may obtain the services of the appropriately trained person(s) to complete the audit, and the attorney will be required to reimburse the Service for the actual and reasonable fees of all person(s) required to complete the audit additional to those that would have been incurred had attorney complied with Rule 11.4(g) above.

- 11.5 Any privileged information which is inadvertently disclosed in any document(s) produced for an examination and/or audit will not be disclosed by any person(s) conducting the examination and/or audit.
- 11.6 By producing copies of any document(s) for an examination, the attorney verifies that the copies produced are true and accurate copies of the original document(s).
- 11.7 If, during an examination, questions arise concerning any document(s) produced, the attorney will respond promptly in person, by phone and/or in writing to any inquiries from the Committee, as the Committee may direct in its sole discretion.

RULE 12. REFUSAL OF SERVICE

- 12.1 The Service reserves the right to decline to make its facilities available to any person, to the extent it may do so under the law.

RULE 13. WITHDRAWAL OF PANEL ATTORNEY

- 13.1 Any panel attorney may withdraw his or her registration from the Service upon five (5) days written notice to the Committee. Such withdrawal shall not affect any obligation on the part of the panel attorney to make reports or pay referral fees for matters or clients referred to the panel attorney prior to such

withdrawal.

RULE 14. DISPUTES CONCERNING FEES

- 14.1 Should any disputes concerning fees arise between a panel attorney and a referred client, such disputes will be submitted to the Fee Arbitration Committee of the Riverside County Bar Association for mandatory binding arbitration in accordance with that Committee's rules.
- 14.2 In any fee dispute with a client in which part or all of the attorney's fees or settlement(s) are in any form other than cash, the attorney will provide a written explanation as to how the attorney values the non-cash fees and/or settlement(s). If a dispute still exists between the attorney and any client(s) as to the value of any non-cash item(s), an agreed upon appraiser will determine the value of the non-cash item(s). Unless stipulated by the attorney and the client(s), the person whose estimated value has the greatest variance with the value determined by the agreed upon appraiser will be required to pay for the services of the agreed upon appraiser. If parties cannot agree on an appraiser, then the Chair of the Fee Arbitration Committee will appoint an appraiser.
- 14.3 Office records and bank trust account statements of the panel attorneys relevant to referred clients shall be available at reasonable times for audit or other examination as deemed necessary by the Committee. Any audit or exam shall be made, consistent with attorney/client confidentiality.
- 14.4 The assessment of the Service of panel members' fees owed will be considered correct and the burden of proving inaccuracy will be the responsibility of the panel attorney.

RULE 15. SUSPENSION OR REMOVAL OF PANEL ATTORNEY

- 15.1 The Service shall solicit feedback from clients referred to panel attorneys, by the use of surveys and other methods approved by the Committee. This requested feedback shall include information about the quality of services provided by the panel attorney. The results of these surveys and client input shall be reviewed by the Committee on a periodic basis. The Committee may, but is not required to, inform a panel attorney of any specific comments received from a client, and may request or consider any response made by the panel attorney.
- 15.2 At least once every two years, the Committee shall consider the quality of services being provided by each panel attorney. Such consideration shall be based on the client feedback described in Rule 15.1 above, together with such other information as the Committee deems relevant and reliable. All panel attorneys shall be deemed eligible for continued panel membership unless the Committee determines that the quality of services for any panel attorney appears to be deficient. Should the Committee determine that the quality of services by a panel attorney appears deficient, whether as a result of a periodic review or in response to one or more particular complaints, a Suspension/Termination Hearing will be held as set forth below.
- 15.3 Each panel attorney understands and agrees that he or she may be suspended or terminated from the Service under the following circumstances:
 - (a) Failure to provide an appropriate quality level for services provided to referred clients, as determined by the Committee;

- (b) Failure to return to the Service complete and accurate forms/reports within fifteen (15) working days;
- (c) Failure to remit fees due to the Service within fifteen (15) working days of the receipt of Quarterly Report form;
- (d) Failure to comply with any rule, regulation, request or direction of the Committee.

15.4 At least ten (10) working days prior to the effective date of any suspension or termination, the Committee shall provide written notice to the panel attorney setting forth the reasons for suspension or termination. The panel attorney shall have the right to request a Suspension/Termination Hearing before the Committee. Such hearing must be requested in writing prior to the effective date of the suspension or termination. The panel attorney shall have the right to be heard in his or her defense. The hearing shall be scheduled as soon as is practical, and suspension or termination shall not be effective pending the outcome of the hearing. Conduct of the hearing, including all rules of procedure and evidence, shall be within the discretion of the Committee Chairman.

15.5 Notwithstanding Rule 15.4, *supra*, the Committee may summarily suspend referrals to a panel attorney pending suspension or termination upon notice that the panel attorney ceases to meet the minimum eligibility requirements set forth in Rule 5.3 (a) or the minimum insurance requirements set forth in Rule 5.3 (e).

RULE 16. INDEMNIFICATION

16.1 The panel attorney agrees to indemnify the Service and the Riverside County Bar Association against any loss to said Service or Association, 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 comply with these Rules.

RULE 17. AMENDMENTS

17.1 The Committee will have authority to enact and implement changes to these RULES involving procedural, administrative and operational matters. Any change concerning fundamental policies of the Service may be presented in writing with comments and recommendations, to the Riverside County Bar Association Board of Directors for review and modification.

* * * * *

LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, CA 92501

(951) 682-7520 ♦ (760) 568-5555 ♦ fax (951) 682-0106

Disciplinary Status Declaration Form

This declaration is submitted to enable the Lawyer Referral Service of the Riverside 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 Riverside 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.

LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, CA 92501
(951) 682-7520 ♦ (760) 568-5555 ♦ fax (951) 682-0106

Subject Matter Panel Application Form

Print name _____

Panel for which you are applying _____
(Please see attachment, Minimum Qualifications for Subject Matter Panels.) **A separate form must be filled out for each subject matter panel.** Copy this form as needed.

A. An applicant who is currently certified by the California Board of Legal Specialization as a specialist will automatically meet the experience requirements. Please list below the field in which you are certified as a Specialist:

-OR-

B. Please list below how you satisfy the minimum qualifications for this subject matter panel:

| 1. | Court Name | Case No.(List only if public record) | Title of Case Representing | Type of Case |
|----|------------|---|-------------------------------|-----------------|
|----|------------|---|-------------------------------|-----------------|

2. OTHER (if no case work): _____

(attach additional sheet as necessary)

I understand that the information contained herein is subject to verification and I agree to cooperate with the Lawyer Referral Service Committee and its designees in the process of evaluating my qualifications. I hereby certify, under penalty of perjury, that the information provided herein is true and correct.

Signature: _____ Date: _____

This form must be submitted with the Application for Membership.

LAWYER REFERRAL SERVICE
of the Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, CA 92501
(951) 682-7520 ♦ (760) 568-5555 ♦ fax (951) 682-0106

Minimum Qualifications for Subject Matter Panels

Effective April 1, 1999

BANKRUPTCY LAW

Includes all matters related to bankruptcy questions, debtor, wage levies, and repossessions.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Bankruptcy Law Specialist is automatically qualified; or
- B. Applicant certifies experience as indicated below for the types of bankruptcy he/she qualifies for:
 - 1. Have filed and taken through discharge at least two Chapter 7 or Chapter 13 "wage earner" plans, or any combination thereof.
 - 2. Have represented at least one debtor in a Chapter 11 reorganization from filing to confirmation of plan, and have represented at least one creditor in a Chapter 11 reorganization from assertion of his/her claim to completion.

BUSINESS & CORPORATE

Includes all matters related to the formation, financing and dissolution of business, charitable and fraternal entities and associations, including incorporation, partnership agreements and joint ventures.

Qualifications: Applicant must have completed all legal work, including the preparation or supervising the preparation of all legal documents, in not less than two client matters.

CONSERVATORSHIP & GUARDIANSHIP

Includes all matters related to guardianship, conservatorship, or mental health cases.

Qualifications: Applicant must have acted as or represented a guardian or conservator in at least one guardianship, conservatorship, or mental health case within the last two years.

CRIMINAL LAW - MISDEMEANOR/ADULT

Includes all matters related to violation of criminal statutes or ordinances by any governmental entity.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Criminal Law Specialist is automatically qualified; or
- B. Have been in practice for at least one year during which time 50% of the practice has been devoted to criminal law.

CRIMINAL LAW - FELONY/ADULT

Includes all matters related to violation of criminal statutes or ordinances by any state, local or federal governmental entity.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Criminal Law Specialist is automatically qualified; or
- B. Applicant have completed the above requirements for the state misdemeanors **and** have handled no fewer than three criminal matters, including (a) one felony trial (jury or court) to judgement and (b) three criminal pretrial motions involving either the submission of written points and authorities before the hearing or hearing at which witnesses were sworn and testimony taken.

FAMILY LAW

Includes all matters related to advice and handling of proceedings involving annulment or dissolution of marriage, legal separation, support enforcement, child custody and visitation, change of name, preparation of pre-nuptial and marital agreements, and related family law transactions and proceedings.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Family Law Specialist is automatically qualified; or
- B. Applicant must have completed two marital dissolutions from filing of petition through final judgment, one of which must include Order to Show Cause hearings and child custody and visitation issues.

JUVENILE LAW

Includes all matters related to proceedings in Juvenile Court, regardless of the nature, including criminal, delinquent and dependent child cases.

Qualifications: Applicant must have handled at least three contested hearings through disposition within the last two years.

LABOR LAW

Includes all matters having to do with employment discrimination, wrongful termination, and all other labor law matters.

Qualifications: Applicant must have handled at least two employment actions through settlement or trial, including discrimination and/or termination, within the last five years.

LANDLORD & TENANT

Includes all matters related to renting or leasing buildings, rooms or land, including rent collection, tenant's rights, unlawful detainer actions and leases.

Qualifications: Applicant must have handled three or more landlord/tenant matters including at least one contested unlawful detainer trial.

OTHER TORTS & NEGLIGENCE ACTS

Includes all matters related to property damage, wrongful death or substantial personal injury cases, products liability, insurance bad faith, intentional tort and defamation cases.

Qualifications: Applicant must have tried at least one personal injury case to jury verdict, or any combination of two judicial arbitrations or court trials to judgment, **and** have documented experience in at least one additional substantial personal injury from a specialty area, i.e. products liability, wrongful death, insurance bad faith, aviation accidents and admiralty personal injuries.

PERSONAL INJURY

Includes all matters relating to traffic accident injuries and general personal injury claims against persons or entities.

Qualifications: Applicant must have tried at least one personal injury case to jury verdict, or any combination of two judicial arbitrations or court trials to judgment.

PROBATE & DEATH TRANSFERS

Includes all matters relating to decedent's estate administration, joint tenancy terminations, transfer of assets and other probate code proceedings.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Probate Law Specialist is automatically qualified; or
- B. Applicant must have handled at least two different matters of the following: contest of will, petition to determine heirship, petition for instructions, a trust termination, a joint tenancy termination, preparation and filing of IRS Form 706, petition for family's allowance, and petition for return or sale of property.

PROFESSIONAL MALPRACTICE

Includes all matters relating to tort claims against persons or entities involved in medical care and dental care of a client, or legal services performed or supervised by an attorney.

Qualifications: Have handled at least one case to verdict or court decision. (Specify on panel application the types of cases you handle - dental, legal and/or medical malpractice.)

REAL ESTATE

Includes all matters related to advice and preparation of sales agreement and other sales, escrow and financing documents, and advice and preparation of leases, options, and related realty transactions including boundary disputes.

Qualifications: Have either prepared escrow instructions or supervised the opening administration and closing of an escrow, or have performed services in at least one of the following: (a) negotiation of or litigation concerning a lease of real property (other than unlawful detainer) or (b) preparation of a note and deed of trust or other security interests.

SOCIAL SECURITY

Includes all matters related to social security appeals.

Qualifications: Have handled at least one social security appeal through final resolution or must have completed a substantial amount of work or be attorney of record for one of the following: MediCare/Medi-Cal, SSA or SSI.

WILLS, TRUSTS & ESTATE PLANNING

Includes all matters related to wills, trusts, gifts, estate tax and estate tax planning.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as an Estate Planning Specialist is automatically qualified; or
- B. Applicant must have drafted and supervised the execution of at least two wills, including one will which incorporates a testamentary trust or intervivos trust and supervised the funding thereof.

WORKER'S COMPENSATION

Includes all matters relating to representation of parties in connection with industrial injuries from on-the-job accidents and disease claims.

Qualifications:

- A. An applicant who is currently certified by the California Board of Legal Specialization as a Workers Compensation Law Specialist is automatically qualified; or
- B. Applicant must have handled at least two workers compensation cases from application through the findings and awards, and must have handled at least two matters on reconsideration before the WCAB.

GENERAL PANEL

(This panel is for subject matters currently with less than four attorney panel members as required by Minimum Standards for a Lawyer Referral Service in California.) Includes all civil litigation matters related to problems involving areas of practice for which no subject matter panel has been established.

Qualifications: Applicant certifies to the LRS Committee that for each of the areas of practice indicated on this application, applicant (a) possesses substantial and meaningful experience in each subject area, (b) is qualified and competent to represent clients in this area of practice, (c) is thoroughly familiar with the substantive and procedural laws and court rules in each area of practice, and (d) has and will continue to engage in continuing education and/or study to maintain and enhance his/her proficiency in such subject area.

* * * * *

TITLE 3. PROGRAMS AND SERVICES

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES

Chapter 3. Lawyer Referral Services

Article 1. Certification

Rule 3.800 Certification required

An individual or organization that refers prospective clients to attorneys must comply with minimum standards and be certified by the State Bar of California as a lawyer referral service unless exempt by law.¹ These rules set forth the minimum standards and certification requirements.

Rule 3.800 adopted as rule 3.700 January 7, 2011; renumbered as rule 3.800 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.801 Application for certification

- (A) To initiate or continue certification, a lawyer referral service must submit an Application for Certification as a Lawyer Referral Service that identifies each county in which it operates.
- (B) Every application must include panel membership criteria, including criteria for suspension and removal that provide for written notice and review with an opportunity to respond.
- (C) An application for initial certification may be submitted at any time. An application for continuance of certification must be submitted with the annual report required by rule 3.828. Within a reasonable time, the State Bar will notify an applicant that certification has been granted or denied or that an application is incomplete or noncompliant.
- (D) An application must be completed in accordance with application instructions and filed with any required fee.

Rule 3.801 adopted as rule 3.701 January 7, 2011; renumbered as rule 3.801 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.802 Application fees

- (A) Application fees for initial and continued certification, which are set forth in the Schedule of Charges and Deadlines.²

¹ Business & Professions Code § 6155. See also California Rules of Professional Conduct, rule 5.4.

² Business & Professions Code § 6155(f)(4).

- (B) An application fee not received by the deadline is subject to the late penalty set forth in the Schedule of Charges and Deadlines. If the fee and penalty are not received within thirty days of the deadline, certification may be suspended and the lawyer referral service must cease any activity subject to these rules.
- (C) Application fees will be refunded upon written withdrawal of the application by the service. An application may not be withdrawn after certification has been granted. An application fee is otherwise not refundable.
- (D) An application or late fee for continued certification may be waived or reduced. Any request for a waiver or reduction will be reviewed based on demonstrated financial necessity.

Rule 3.802 adopted as rule 3.702 January 7, 2011; renumbered as rule 3.802 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.803 Denial of application

- (A) An application for initial certification that fails to comply with these rules is denied in a written notice explaining the denial.
 - (1) Upon receipt of a notice of denial, an initial applicant may submit a written request for reconsideration within thirty days of the date of the notice. The request must explain why the application was compliant and be supported by any relevant evidence.
 - (2) Within sixty days of receiving a request for reconsideration of denial, the State Bar may grant certification or confirm denial of the initial application. If denial is confirmed, the State Bar will provide a written notice and explanation of the confirmation.
 - (3) Upon receipt of a notice confirming a denial, the applicant may request review by the Executive Director within thirty days of receiving the notice.
 - (4) Within sixty days of receiving a request for review, the Executive Director may direct the State Bar to grant certification, confirm the denial, or remand the matter for further consideration. The record considered by the Executive Director on review will include all of the materials provided to the State Bar in support of the initial application, the written notice of denial of the initial application, all of the materials provided to the State Bar in support of the request for reconsideration, and the written notice confirming the denial. The Executive Director must provide written notice to the applicant explaining the determination.
 - (5) Denial of an application for initial certification does not preclude an applicant from submitting a new application. A new application must be

submitted in accordance with application instructions and with the fee set forth in the Schedule of Charges and Deadlines.

- (B) An application for continued certification is subject to the review procedures set forth in rule 3.806.

Rule 3.803 adopted as rule 3.703 January 7, 2011; renumbered as rule 3.803 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.804 Issuance of certification

The State Bar may grant certification with or without conditions for two years or a shorter time specified by the State Bar. Certification terminates at the end of the certification period unless renewed in accordance with these rules.

Rule 3.804 adopted as rule 3.704 January 7, 2011; renumbered as rule 3.804 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.805 Audits

Before granting or continuing certification, waiving an application fee, or at any other time, the State Bar may conduct an audit to determine whether a lawyer referral service has complied with these rules. Any audit must be at the expense of the lawyer referral service.

Rule 3.805 adopted as rule 3.705 January 7, 2011; renumbered as rule 3.805 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.806 Suspension or revocation of certification³

- (A) The State Bar may suspend or revoke certification of a lawyer referral service for failure to comply with these rules or for other good cause.
- (B) The State Bar shall provide written notice to a lawyer referral service no less than thirty days prior the intended effective date of suspension or revocation of certification that states the reasons for the State Bar's action.
 - (1) Upon a receipt of a notice of intention to suspend or revoke certification, a lawyer referral service may submit a written request for reconsideration of suspension or revocation of certification within thirty days of receipt of the notice. The request must explain why the action is inappropriate and be supported by any relevant evidence. Failure to request reconsideration results in final suspension or revocation of certification.

³ See Business & Professions Code § 6155(g).

- (2) Within sixty days of receiving a request for reconsideration of intention to suspend or revoke certification, the State Bar may then continue, suspend, or revoke certification with or without conditions. The State Bar must provide the lawyer referral service a written notice and explanation of its determination.
 - (3) Upon receipt of a notice as described in subsection (2) of this rule, the lawyer referral service may request review by the Executive Director within thirty days of receiving the notice. Failure to timely request review may result in final suspension or revocation of certification, or imposition of conditions.
 - (4) Within sixty days of receiving a request for review, the Executive Director may direct the State Bar to continue certification, confirm the suspension or revocation of certification or the imposition of conditions, or remand the matter for further consideration. The record considered by the Executive Director on review will include the written notice of intention to suspend or revoke certification, all of the materials provided to the State Bar in support of the request for reconsideration, and the written notice described in subsection (2) of this rule. The Executive Director must provide written notice of to the applicant explaining the determination.
- (C) Certification will remain in effect during the pendency of any review pursuant to section (B) of this rule, unless the State Bar determines that exceptional circumstances justify immediate suspension or revocation. In the event of such suspension or revocation, the State Bar must provide the lawyer referral service with a written notice and explanation of its determination.
- (D) When suspension or revocation of certification is final, a lawyer referral service must immediately cease any activity subject to these rules, and the State Bar must notify every panel member of the lawyer referral service that certification has been suspended or revoked.

Rule 3.806 adopted as rule 3.706 January 7, 2011; renumbered as rule 3.806 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.807 Complaints about a lawyer referral service

The State Bar must review a complaint about a lawyer referral service submitted pursuant to these rules⁴ within a reasonable time and

- (A) if the complaint demonstrates an apparent violation of these rules or other authority provide the service written notice of the complaint and an opportunity to respond; and

⁴ Rule 3.820(E).

- (B) provide written notice to the complainant regarding what action, if any, it deems appropriate.

Rule 3.807 adopted as rule 3.707 January 7, 2011; renumbered as rule 3.807 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.808 Notice

In these rules, a notice or other document is deemed received the fifth day after being sent by first-class mail or upon actual receipt when delivered otherwise.

Rule 3.808 adopted as rule 3.708 January 7, 2011; renumbered as rule 3.808 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Article 2. Minimum standards for lawyer referral services

Rule 3.820 General duties of a lawyer referral service

A lawyer referral service must

- (A) have a governing committee; one or more panels of attorneys to provide legal services; staff to evaluate and process requests for legal assistance; and, if engaging in automated referrals as described in rule 3.86(C), appropriate technology and safeguards to ensure accurate referrals;
- (B) encourage widespread attorney membership;⁵
- (C) serve its community and improve the quality and affordability of legal services by
 - (1) assisting those in need of legal services to find a qualified, insured attorney or other appropriate legal services, including dispute resolution;
 - (2) providing the public with general information about appropriate legal services; and
 - (3) establishing services for persons of limited means, such as a modest means panel, a limited scope panel, flat fee panels, providing a free referral for a 30 minute consultation by an attorney panel member, or providing for services on sliding fee scales or payment schedules; and
- (D) ensure the combined charges to the potential client by the referral service and the attorney to whom the potential client is referred do not exceed the total cost that the client would normally pay if no referral service were involved;⁶

⁵ Business & Professions Code § 6155(f)(1).

⁶ Business & Professions Code § 6155(a)(2).

- (E) tell each client how to submit a complaint about the service or one of its panel members and inform the client that an unresolved complaint may be submitted to the State Bar, provided it is in writing and supported by factual information that demonstrates a violation of these rules or other applicable authority;
- (F) if it is a non-profit use its income only to pay reasonable operating expenses and to fund its pro bono, legal services, and other public service programs;
- (G) fully cooperate with any State Bar audit;⁷
- (H) provide each panel member a copy of these rules; and
- (I) at all times comply with these rules and applicable law.

Rule 3.820 adopted as rule 3.720 January 7, 2011; renumbered as rule 3.820 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.821 Ownership⁸

A lawyer referral service owned or operated by a bar association is deemed to be owned or operated by its governing committee. An attorney may not directly or indirectly own or operate a lawyer referral service if the attorney individually or jointly receives more than twenty percent of the referrals of the lawyer referral service.

Rule 3.821 adopted as rule 3.721 January 7, 2011; renumbered as rule 3.821 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.822 Governing committee

- (A) A lawyer referral service must be supervised by a governing committee of three or more members. A majority of the governing committee must be active licensees of the State Bar. No more than half the members of the governing committee may receive referrals from the lawyer referral service.
- (B) The governing committee must
 - (1) establish criteria for subject matter and general panel membership and use the criteria to evaluate panel members at least once every two years;
 - (2) establish and assess compliance with the referral procedures required by these rules;⁹

⁷ See rule 3.805.

⁸ Business & Professions Code § 6155(b).

⁹ Rule 3.826.

- (3) review and submit the annual report required by these rules;¹⁰
- (4) annually survey a random sample of at least ten percent of the clients of the service to determine client satisfaction with services and fees;
- (5) on the basis of the annual survey, make any operational changes it deems necessary;
- (6) provide to the State Bar information required to be collected under rule 3.826; and
- (7) meet at least quarterly.

Rule 3.822 adopted as rule 3.722 January 7, 2011; renumbered as rule 3.822 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective April 29, 2019.

Rule 3.823 Panels

- (A) A lawyer referral service must establish panels of attorney members qualified to provide legal services to the public. The panels must be organized by subject matter but may include a general panel. A lawyer referral service is encouraged to establish moderate and no-fee panels and other special panels that respond to the needs of the public, in order to provide services that serve persons of limited means as required under rule 3.820(C)(3).¹¹
- (B) At least twenty attorney members, ten of whom are from separate and independent law firms, are required for all lawyer referral services, and each panel must have at least four members. The State Bar may waive these minimum requirements if a lawyer referral service operates in an underserved county or provides written evidence that the size of the community or the number of its attorneys warrants a lesser number, or the service otherwise demonstrates the ability to meet the needs of its service area with a smaller panel.
- (C) A lawyer referral service must require that each panel member
 - (1) have errors and omissions insurance in the amounts set forth in the Schedule of Charges and Deadlines and provide proof of insurance to the State Bar upon request;¹²
 - (2) not receive referrals evaluated and processed by a lawyer referral service staff member employed or otherwise compensated by the panel attorney;

¹⁰ Rule 3.828.

¹¹ Business & Professions Code § 6155(f)(5).

¹² Business & Professions Code § 6155(f)(6).

- (3) if the service operates in more than one county, identify each county the member agrees to take referrals from.
- (D) A lawyer referral service may disclose a panel member's past performance when the information is accurate, complete, and not misleading.

Rule 3.823 adopted as rule 3.723 January 7, 2011; renumbered as rule 3.823 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.824 Eligibility for membership

Only an active licensee of the State Bar practicing in the community served by the lawyer referral service may be a member of the service. A member of any service that operates in more than one county make take referrals from any of the counties in which the service operates; provided, however, that the member must agree to travel to each county as reasonably necessary to perform legal services (such as client meetings), and must either maintain a place of business in each county or be able to offer an otherwise suitable location or method for the performance of such services. Remote services may be provided if they are adequate to meet a client's needs. To serve on a subject matter panel, such a member must meet the experience and other substantial and objective criteria of the lawyer referral service. Certification as a legal specialist qualifies an attorney to serve on a panel that deals with the area of certification, provided the attorney meets other criteria for panel membership.

- (B) Panel membership may not be contingent upon membership in a sponsoring entity.

Rule 3.824 adopted as rule 3.724 January 7, 2011; renumbered as rule 3.824 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective April 29, 2019.

Rule 3.825 Panel membership fees

- (A) Panel membership fees must be reasonable, encourage widespread panel membership, and otherwise comply with these rules and applicable law.¹³
- (B) Panel membership fees may not in any way be based on or guarantee contacts, calls, cases, referrals, or clients.
- (C) Panel members who are not members of a sponsoring entity may be required to pay a nominal charge for administrative services.

Rule 3.825 adopted as rule 3.725 January 7, 2011; renumbered as rule 3.825 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

¹³ Business & Professions Code § 6155(f)(1). See rule 3.820(B).

Rule 3.826 Referrals

- (A) The governing committee of a lawyer referral service must establish fair and impartial procedures to assure that referrals are allocated equitably to panel members and respond insofar as possible to clients' legal needs and other circumstances, such as geographic convenience and language issues.
- (B) All referrals in a geographical area may not be made to a single attorney or law firm. The State Bar may deny certification or recertification, or suspend or revoke certification, for failure to make referrals fairly and impartially to panel members or to maintain current and complete records of referrals.
- (C) If a lawyer referral service makes any referrals using purely technological means, the service must:
 - (1) for a minimum of twelve (12) months immediately following the implementation of any automated referral system, establish quality control and assurance measures that, at a minimum:
 - (a) make reasonable efforts to follow up within two (2) business days of each automated referral to evaluate whether the client's needs were adequately met; and
 - (b) allow for electronic feedback from clients regarding whether the automated referral was successful or failed to meet client's needs.

After twelve (12) months, the service may reduce its quality control and assurance efforts to follow up with twenty-five percent (25%) of automated referrals if it demonstrates to the State Bar that the automated referral system results in successful referrals at a rate as high or higher than traditional referral methods. The service may make such a demonstration with customer satisfaction surveys, or other appropriate methods. The requirements of this subsection also apply after the adoption of a new technological platform, but do not otherwise apply to incremental software updates or similar improvements to an existing automated referral system;

- (2) ensure that any client who encounters a technical problem or any other difficulty or delay in using service's automated referral system is provided with information to contact an appropriate service staff member during regular business hours;
- (3) forgo any fee if a referral is made that does not accurately reflect the needs of the client, unless the fee is applied to further referral efforts in the same matter that are successful;
- (4) regularly analyze the efficiency and accuracy of the automated referrals and make adjustments to the technological platforms as needed; and

- (5) provide data to the State Bar enumerating how many requests for referrals were made in a calendar year through the service's automated referral system, and how many such referrals were made using purely technological means.
- (D) A referral may not
- (1) discriminate on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, general expression, sexual orientation, age, military and veteran status, or other category of discrimination prohibited by applicable law, whether the category is actual or perceived;¹⁴
 - (2) violate restrictions against unlawful solicitation and false and misleading advertising or otherwise violate the Rules of Professional Conduct or law applicable to a licensee of the State Bar; or
 - (3) be made directly or indirectly by a person employed or otherwise compensated by an attorney or firm to whom the referral is made.

Rule 3.826 adopted as rule 3.726 January 7, 2011; renumbered as rule 3.826 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective April 29, 2019.

Rule 3.827 Records

- (A) A lawyer referral service must maintain and provide to the State Bar upon request current records
- (1) for each panel member that include
 - (a) name, contact information, and qualifications;
 - (b) number and type of referrals, including whether referrals were made using purely technological means; and
 - (c) fees remitted for membership, referrals or consultations, advertising; or any other reason; and
 - (2) for each referral that include
 - (a) the client's name and contact information;

¹⁴ See Rules of Professional Conduct, rule 8.4(c)(1).

- (b) type of matter, date of referral, and whether each referral was made using purely technological means; and
 - (c) panel member to whom the referral was made.
- (3) sufficient to demonstrate compliance with section (C) of rule 3.826.
- (B) Any record in the possession of the State Bar pertaining to a lawyer referral service is the property of the State Bar and confidential unless authorized for disclosure by these rules, order of the Board of Trustees, or consent of the lawyer referral service.

Rule 3.827 adopted as rule 3.727 January 7, 2011; renumbered as rule 3.827 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

Rule 3.828 Annual report

- (A) The governing committee of a lawyer referral service must submit an annual report of its activities and those of the lawyer referral service. The report must at a minimum
 - (1) provide a detailed accounting of
 - (a) all sources and amounts of income, expenses, and reserves during the reporting period;
 - (b) the disposition of any reserves or surpluses derived from activities of the service during the reporting period and the immediately preceding reporting period;
 - (2) include statistics derived from the records the service is required to maintain, including information about the proportion of referrals made through an automated referral system;¹⁵ and
 - (3) summarize the annual client survey and any operational changes it prompted.¹⁶
- (B) Failure to submit an annual report on time suspends certification unless the State Bar extends the report deadline for good cause.

Rule 3.828 adopted as rule 3.728 January 7, 2011; renumbered as Rule 3.828 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective April 29, 2019.

¹⁵ See rule 3.826(C).

¹⁶ Rule 3.822(B)(4) and (5).

Rule 3.829 Publicity

- (A) Publicity, which includes advertising or any other kind of promotional material, must
 - (1) indicate that the purpose of the lawyer referral service is to serve its community and improve the quality and affordability of legal services as required by these rules;¹⁷ and
 - (2) acknowledge any sponsorship by the lawyer referral service; identify the counties in which the service operates; and provide the State Bar certification number or certification mark.
- (B) Any publicity by a lawyer referral service must comply with the California Rules of Professional Conduct and any other legal requirements.
- (C) A copy of any publicity
 - (1) must be submitted with an application for certification or recertification; and
 - (2) may be required with the annual report.¹⁸

Rule 3.829 adopted as rule 3.729 January 7, 2011; renumbered as rule 3.829 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended March 7, 2014; approved by the Supreme Court effective December 1, 2014.

¹⁷ See rule 3.820(C).

¹⁸ Rule 3.828.