



**LRIS**

**The  
Lawyer Referral &  
Information Service**

**2011-2012**

**Membership  
Standards and Rules**



Authorized to use ABA logo and slogan June 2005

*Use of the ABA Lawyer Referral and Information Service logo indicates that this lawyer referral program has been reviewed by the ABA and meets the specific public service standards established by the ABA. ABA approved lawyer referral programs:*

- *Agree to establish and maintain objective experience criteria for their panel attorneys,*
- *Provide a mechanism for client feedback and resolving client complaints,*
- *Do not limit the number of attorneys who may join the Lawyer Referral and Information Service, provided that they meet the objective requirements for panel membership,*
- *Require and verify that all panel attorneys carry legal malpractice insurance.*

*Use of the logo indicates that this program meets ABA standards for lawyer referral services. **The ABA does not review the qualifications of the individual lawyers who participate in the service. For more details on the ABA standards, visit [www.abanet.org/legalservices/lrsrules.html](http://www.abanet.org/legalservices/lrsrules.html).***

Approved by ABA for use of Slogan and ABA Logo June 2005, 2006, 2007, 2008, 2009, 2010 and 2011.

# Lawyer Referral and Information Service Standards and Rules

## I Preamble

- 1.1 The Maine State Bar Association, hereinafter referred to as the “MSBA”, recognizes that there exists a substantial segment of the public who has difficulty in obtaining legal services. In order to respond to the needs of those persons, the MSBA established a Lawyer Referral and Information Service, hereinafter referred to as the “LRIS”.
- 1.2 The LRIS is operated for the benefit of the public and the legal community. It should be readily accessible and its existence should be known to the public to the greatest extent possible. The LRIS will not discriminate on the basis of any protected class or disability.
- 1.3 The prime objectives of the MSBA in establishing the LRIS is to assist the general public by providing a way by which any person may readily obtain legal services at a reasonable fee, or referral information for appropriate legal services, social services or both; and to assist member attorneys by promoting appropriate use of legal services by the public, and providing opportunities for members to provide legal services to new clients referred by LRIS. Further objectives of the LRIS are:
  - a) To acquaint people in need of legal service with the value of consultation with an attorney;
  - b) To encourage lawyers to recognize their obligation to provide legal services to any person in need of such services at a reasonable fee;
  - c) To provide information about lawyers and the availability of legal services which will aid in the selection of a lawyer; and
  - d) To provide general legal information needed by the public.
- 1.4 The LRIS will be operated from the MSBA office utilizing full and part-time staff members of the MSBA as deemed appropriate. A staff member of the MSBA, appointed by the MSBA Executive Director, shall serve as Director of the LRIS.

## II Committee Supervision and Reporting

- 2.1 An LRIS Committee, hereinafter referred to as the “Committee”, will be charged with the supervision of the LRIS as provided in this Statement of Standards and Rules. The Committee shall be subject at all times to the supervision of the MSBA Board of Governors.

- 2.2 The Committee will be composed of members of the MSBA appointed by the President of the Board of Governors, including a liaison from the Board of Governors, and at least one other attorney who is not a member of LRIS. The Chairperson will be selected by the Committee. A Vice-Chairperson will be selected by the Chairperson. A member of the Committee may be removed by the President for failure to attend three consecutive meetings.
- 2.3 A quorum of three committee members will be required to transact any business of the Committee.
- 2.4 The Committee will meet at regular intervals during the year to review overall policy matters and areas of LRIS development.
- 2.5 The Committee will formulate and adopt all rules for the conduct and operation of the LRIS, subject to approval of the Board of Governors. The Committee shall maintain a record of Committee interpretations of these Rules.

### **III LRIS Membership Requirements**

- 3.1 Any member of the Maine Bar in good standing who has been in active practice for 24 months, has not been under suspension, disbarment, or resignation from the practice of law within the preceding twelve months, and who carries professional liability insurance with a minimum coverage of \$100,000 and as otherwise set forth in the rules for specific Experience Panels, shall qualify as an LRIS member.
- 3.2 Upon filing an application, members agree to:
  - a) Maintain good standing with the Board of Bar Overseers of the State of Maine;
  - b) Report immediately to the Director any suspension or disbarment by the Maine Board of Bar Overseers, and accept being temporarily Out of Rotation Status until returned to good standing by the BOBO;
  - c) Grant all clients referred by LRIS a free consultation with the member attorney of up to 30 minutes within three business days after request is made by the client or LRIS staff. (Note: Clients are advised that the attorney they are referred to has three business days to contact them or schedule an appointment with them once the client contacts the LRIS member. The LRIS procedure is that any client may get a referral to another LRIS member if the original attorney has not contacted the caller within the promised three-day period. In this instance, the name of the original attorney is not returned to the top of the rotation list, but continues to reflect his/her original

selection.) It is at the attorney's discretion to decide whether this consultation takes place by phone or in person;

- d) Discuss any charge for additional legal services with the client. This fee will be established as clearly as possible during the initial office consultation. The committee recommends a written fee agreement as part of a "best practices" approach to client/attorney agreements;
- e) Pay a referral fee to LRIS when a client with a matter is referred to a member lawyer by LRIS and the client retains that member lawyer for that matter and pays legal fees in excess of \$200 for that matter. The referral fee to be paid is computed based on 10% of the total fee for legal services received by the member lawyer for that matter, less the first \$200 of the fee earned by the member. Legal fees earned by the member lawyer do not include reimbursement for advanced client costs. For purposes of this paragraph, legal fees earned by the member lawyer include fees earned by associates, contract attorneys, partners, or others working for or with the member lawyer on the case. The member lawyer shall not add a surcharge to account for the referral fee.
- f) Pay the 10% LRIS remittal to LRIS as legal fees are received by the attorney. In the case of fee advances that are deposited in the lawyer's trust account, remittals shall be forwarded to LRIS as such advances, or portions thereof, are applied toward attorney's fees that have been earned. Members are specifically directed not to wait until the client account is paid in full, but to calculate and forward LRIS percentage payments as they are collected. (In brief, LRIS gets paid as you get paid for work done.)
- g) Immediately notify the LRIS if insurance coverage has been cancelled or will not be renewed;
- h) Abide by all of the rules of the service and in no event hold, or seek to hold, the Association or any of its officers, members or employees liable in connection with the operation of the LRIS;
- i) Abide by all decisions of the Committee with regard to application procedures and continued eligibility as a member of the LRIS;
- j) Proceed with due diligence on and not neglect any matter referred by the LRIS;
- k) Refer a prospective client back to the LRIS office if for any reason the member is unable to render service to the LRIS caller.. Neither LRIS members nor their staff may refer LRIS callers to attorneys outside the LRIS member's own firm. Further, LRIS membership is for individuals and not for firms. Therefore, LRIS attorneys may, after the initial consultation, bring in other members of the same firm to contribute legal services as appropriate, but will retain primary responsibility with regard to the LRIS client and fulfilling LRIS eligibility, reporting, and remittal obligations;

- l) Develop and maintain a method of annotating client billing files to indicate when a file is an LRIS referred case. The indicator shall be self-explanatory to an individual reviewing the billing of case file, and will identify that file as an LRIS-referred case;
- m) Include a copy of the LRIS office closing policy statement inside the member's client trust fund file so that a person opening it will discover the statement. (*See **Obligation Statement** at end of this document.*)
- n) Immediately notify the LRIS office if member deems it necessary and prudent to associate another attorney as co-counsel to assist in a referral case. Member shall provide the name and address of said co-counsel and a written agreement from said co-counsel to remit fees due to LRIS as specified in Rule 5.1(c) of these rules. The member shall remain primarily obligated to remit said fee, and render reports as requested, to the LRIS office;
- o) If the member changes firms, or leaves the practice of law, immediately notify LRIS Director of this change, and update the disposition of all LRIS referrals. For any open LRIS case, the referred attorney will inform the LRIS Director if the case is remaining with the original firm, or going with him/her to the new practice; in either case, the member must notify any successor attorney or law firm that the ongoing obligation to LRIS must be honored; and in the cases of ceasing to practice law, agrees to refer all open cases back to LRIS for re-referral rather than pass on to another attorney outside the service;
- p) Provide any accommodation mandated by the Americans with Disabilities Act or Maine Human Rights Act, or by rules promulgated by the Maine Human Rights Commission.
- q) Agree, by joining LRIS, to be bound the Standards and Rules of the service with regard to all referrals made to that member, directly or indirectly, including, without limitation, the requirement to provide accurate status reports and payments of referral fees. This obligation survives any resignation, suspension, termination or other change of status with regard to the member attorney.
- r) Agree, by joining LRIS, to educate all peers and staff members to the agreements and requirements of LRIS so that LRIS cases and all LRIS referrals are handled per our agreements, and all LRIS reporting and participation requirements are adhered to.

## IV Areas of Referral Panels

- 4.1 The Director, in consultation with the Committee, shall establish legal subject matter panels for referrals. In addition, the Committee shall establish additional criteria for membership in certain panels for which special expertise or experience is appropriate. The Committee may modify such additional membership criteria periodically as deemed necessary. All LRIS applicants shall select panels as part of the membership enrollment process, and reselect their

entire list with each annual membership renewal, providing documentation as necessary. Where there are not specific criteria set forth for membership in a panel, members will enroll only in panels in which they are experienced and competent, so certifying with their signatures.

## **V Financial Administration of LRIS**

- 5.1 The operation of LRIS shall be financed with funds derived from the following sources:
- a) Each member of the LRIS will pay to the MSBA a non-refundable fee for each year of membership at rates set by the LRIS Committee and approved by the Board of Governors.
  - b) An initial administrative fee, in an amount set by the Committee, will be charged to each client.
  - c) Each member agrees to pay to LRIS ten percent (10%) of any fee (exclusive of costs) in excess of \$200 collected for legal services performed for each LRIS caller who retains the member beyond the initial free consultation, upon receipt of payment for billed services, and not at time of retainer. Questions regarding the amount of referral fee due to LRIS will be referred to the Committee for resolution.

## **VI Withdrawal from Membership**

- 6.1 A member may at any time withdraw from participation in the LRIS with written notice to the LRIS Director. Such withdrawal does not entitle member to any refund and does not absolve member from completing and forwarding open case reports or from forwarding moneys owed the LRIS for LRIS referrals. For leaving the practice of law, see Section III 3.2 j), k), and m).
- 6.2 While notice of intent to resign will remove a member from active rotation, a member's withdrawal is not effective until the member closes all open LRIS cases, pays all percentage fees related to those cases, and returns accurate reports regarding referrals.

## **VII Referral Service Procedures**

- 7.1 Referrals shall not be made on the basis of race, sex, age, religion, national origin, or sexual preference.
- 7.2 For each caller/applicant, LRIS staff will ascertain, to the best of their ability, whether the caller has a problem appropriate for referral to a member attorney. The LRIS staff shall endeavor to make the most appropriate referral, taking into consideration the nature of the issue(s), the likely jurisdiction, and the geographical needs of the caller.

- 7.3 The client/applicant shall be informed of the LRIS procedures including, but not necessarily limited to, the initial service administration fee, the initial consultation of *up to one half hour at no additional charge*, future fee arrangements between the client and members, the method of selecting a lawyer, and the competence representation made by the members. Staff is not required to refer a client more than three (3) times with respect to a single request.

## **VIII Statistics/Record Keeping**

- 8.1 Confidential communications from LRIS callers shall be governed by the applicable provisions of the Code of Professional Responsibility of the Maine Bar Rules.
- 8.2 The LRIS shall keep and maintain records, including the following:
- a) For each member:
    - 1) Documentation of qualification for service membership, as described above; panel selections, reports, and remittals;
    - 2) The names of all callers to whom each member has been referred, and in each case the nature of the legal question involved, the panel titles used in the database search, and the date when referred; and
    - 3) Correspondence between LRIS staff or Committee and each member, all written comments from referred callers, and any additional information pertaining to disputes or complaints from any party.
  - b) For service performance history and analysis:
    - 1) Financial records and minutes of all committee meetings; and
    - 2) Statistical records as requested by the Committee or Board of Governors, or as deemed useful by the Director.

## **IX Quality Control**

- 9.1 The LRIS shall monitor public and member satisfaction with the service through feedback gathered by formal and informal methods including, but not limited to:
- a) Routine Client Satisfaction Questionnaires;
  - b) Annual Member Satisfaction Questionnaires; and
  - c) Additional inquiries as advisable in response to client or member comments.
- 9.2 The LRIS Director and staff will actively seek to improve both the quality of referrals, and the quality and sophistication of other resource recommendations, through consultation with member attorneys, peer agencies, ABA resources, and other community support and information resources.

## **X Regulation of LRIS Membership**

- 10.1 The LRIS Director is authorized to remove members from rotation temporarily for failure to return reports, respond to requests for information within stipulated time requirements, or pay dues.
- 10.2 The LRIS Director is authorized to review an LRIS member's continuing eligibility and may request that the Committee suspend a member at any time for good cause. Good cause for suspension includes but is not limited to the following:
- a) Suspension, disbarment, or resignation from the practice of law;
  - b) Failure to obtain, maintain, and report to LRIS legal malpractice insurance described in 3.1;
  - c) Failure to pay annual dues;
  - d) Failure to forward other monies due LRIS;
  - e) Evidence that a member signed an application, certification, or report that was untrue in any material respect;
  - f) Repeated or egregious failure to communicate within a timely fashion pertaining to any reports or questions regarding referral status or client complaint;
  - g) Arrest or charge for any criminal offense; and
  - h) Complaints from referred clients that provide reason to believe a member does not meet reasonable standards of courtesy, competence, and ethical behavior, or adherence to LRIS rules.
- 10.3 Any request for reconsideration of active participation or suspension will be sent to the LRIS Committee and to the member in writing. The member shall be given an opportunity to present a written and/or oral response to the requested suspension at the next regularly scheduled LRIS Committee meeting, when the LRIS Committee shall determine whether to impose the requested suspension by a majority vote. The Committee shall inform the member of its decision within 30 days.
- 10.4 All information obtained by, or presented to, the LRIS Director or Committee in connection with suspension or reinstatement proceedings shall be confidential.

## **XI Policy Regarding Significantly Delinquent Reports and Remittals**

- 11.1 Communications and changes of member attorney status with regard to overdue reports, insurance, dues, or other necessary information will be handled initially at the Director's discretion, as described above. (X)
- 11.2 If a member attorney, or former member attorney, fails to respond to requests for information or reminders regarding reports, the following protocol will apply:
- a) The Director will submit information/history of delinquent accounts to LRIS Chairperson before the next scheduled LRIS Committee meeting.

- b) The Chairperson will make known the name(s) of delinquent attorneys as part of the regular reports of each LRIS Committee Meeting.
- c) The Chairperson will then call each of the delinquent attorneys to make diplomatic inquiries and urge completion of obligations.
- d) If the delinquent attorney is not forthcoming, the Chairperson will send a standard Notice of Delinquency letter to the attorney, giving the attorney 15 days to respond; the Chairperson will also inform the Director of each 15-day deadline so that the Director can notify the Chairperson if a response has been made on time.
- e) Any attorney so notified who remains delinquent after the 15-day deadline will be reported to the Maine State Board of Governors at that body's next regular meeting for action in accordance with the policies and procedures of the that body, including a possible submission to the Board of Overseers of the Bar.. The LRIS Committee may, at its discretion, make a final personal appeal to the delinquent before the BOG meeting.

## **XII Client Complaints**

- 12.1 The LRIS does not arbitrate fee disputes or make judgments with regard to ethical impropriety. LRIS callers seeking remedy in fee disputes for alleged ethical violations shall be directed to the Maine Board of Overseers of the Bar. The LRIS shall, however, keep a record of client complaints for the purposes of monitoring and improving service performance and making member suspension determinations.
- 12.2 Complaints made verbally will be handled according to the discretion of the LRIS Director and staff, including waiving or refunding the referral administration fee, follow-up with a member, or request to have the complaint submitted in writing.
- 12.3 A copy of any complaint received in writing against either LRIS staff or member attorneys will be forwarded to the person against whom the complaint is made.
- 12.4 The Director will present a summary report of complaints received at every committee meeting.
- 12.5 If three or more complaints are received against a member within a membership year, or three or more complaints about a single specific behavior are received within two years, the Director will give notice to the member that a report will be made to the LRIS Committee at its next meeting.

## **XIII Marketing and Publicity**

- 13.1 The LRIS will be marketed and publicized by such means and to such extent as may be determined by the Director, in consultation with the Committee.

**Note:** *This form is available on LRIS letterhead from the LRIS office.*

**Insert In Client File**

**Lawyer Referral and Information Service  
Statement of Obligation**

This case was referred by the Lawyer Referral and Information Service to a participating LRIS member attorney in this firm, and is subject to the agreements of that membership, including remittal of a referral fee based on 10% of all fees collected from this client for legal services over and above \$200 on the matter referred. Referral fees shall be calculated and paid to the Lawyer Referral and Information Service as fee payments are received by the attorney.

Should the attorney handling this case resign from the firm, leaving this case to be continued by another firm attorney, the same obligations shall apply, and the LRIS office shall be notified.

Should the attorney handling this case retire from the practice of law in Maine, the client must be referred back to the Lawyer Referral and Information Service for re-referral to a participating LRIS member attorney.

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

Referred LRIS Attorney: \_\_\_\_\_

Date of Original Retention: \_\_\_\_\_

**If such changes are made, please fill in the appropriate blanks below,  
and fax a copy of this form to LRIS at 207-623-0083**

Date Of Transfer/Withdrawal: \_\_\_\_\_

New Attorney: \_\_\_\_\_

LRIS staff has been informed of transfer

Client has been referred back to LRIS