

Lawyer Referral Service of
the
Westmoreland Bar Association



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Westmoreland Bar Association

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Rules and Regulations

A Service of the Westmoreland Bar Association

**Lawyer Referral Service (LRS) of the
Westmoreland Bar Association**

Description and Rules

The rules and regulations of the LRS are subject to change or modification at any time as mandated by the Pennsylvania Supreme Court, the Rules of Professional Conduct or Westmoreland Bar Association. Please contact the LRS with any questions or concerns.

Purpose

To refer members of the public (both individuals and businesses) in need of legal services to a qualified lawyer, who is able and willing to render the services required.

Plan

The service shall be operated under the exclusive supervision of the Westmoreland Bar Association Board of Directors or its designee. Referrals will be made by the Westmoreland Bar Association office from the referral list maintained at the bar office.

Objectives

The objectives of the Lawyer Referral Service are:

- To provide a benefit to attorney members of the WBA through client development.
- To benefit the public by providing a coordinated lawyer referral and information system throughout Westmoreland County.
- To increase public awareness and knowledge about the availability of quality legal representation in Westmoreland County.
- To educate the public on the need for and benefit of qualified legal representation.

Member Information

1. The annual fee for participation in LRS is \$125. The enrollment period extends from January 1 through December 31. Although registration is accepted at any time, fees are not prorated for late registrants.
2. To be a member of LRS, a lawyer must be actively engaged in the practice of law and a participating member in good standing in the Westmoreland Bar Association.
3. Each member must carry professional liability insurance in the amount of at least \$100,000/\$300,000 and provide a certificate of such insurance to the LRS.
4. Participants in the Experience Panels will be required to complete a separate registration form and certify that they meet the Experience Panel requirements.
5. Membership in the LRS is on an individual basis. Referrals can be made **only** to an attorney who has registered for a particular category. If a referral member cannot or does not want to be retained by the LRS client, the attorney **must** refer the client back to the LRS for a referral to the next LRS member on the list. A member of the LRS shall **not** refer a LRS client to another law firm member or any other attorney.
6. The LRS must be notified in writing of any lapse, termination, or material change in professional liability coverage.

Referral Process

1. Clients will pay a \$35 administrative fee to the LRS before the referral is made. The lawyer shall provide an initial 1/2 hour consultation at no charge to the client and shall inform the client prior to the consultation regarding any fee associated with consultations beyond 1/2 hour.
2. The \$35 administrative fee will be waived for all plaintiff personal injury cases, claimant workers' compensation cases, claimant social security cases and personal (debtor) bankruptcy cases.
3. The LRS administrator will collect the administrative fee and the system will send notification to the attorney. The attorney is not permitted to screen the client by phone to determine if the attorney wants to accept the case.
4. At the time of referral, the client's name, address, and telephone number along with a brief description of the legal problem will be provided to the attorney for confirmation.
5. The attorney has one business day to reach out to the potential client to set up a consultation.
6. Participating attorneys shall remit to the LRS fifteen percent (15%) of all fees in excess of \$500 earned on any case referred by LRS.

Example:

An initial fee of \$3,000 is collected on a particular case. The attorney remits \$375 ($\$3,000 - \$500 = \$2,500 \times 15\% = \375). Thereafter, 15% of all fees collected by the attorney is remitted to the LRS, **as the fees are collected**.

7. All referrals are made on a rotating basis determined by the nature of the client's legal problem, geographic preference and scheduling availability.

Follow-up Requirements

1. All attorneys must submit updates in the LRS as they occur.
2. The LRS will conduct regular client surveys to monitor and improve the effectiveness of the LRS program.

Mandatory Reporting Requirements

1. Each participating attorney shall use a written Fee Agreement with every LRS client outlining the nature and extent of the representation of the attorney and setting forth, in detail, the fee charged or the method of determining fees to be charged to the client for their representation.
2. Any Fee Agreement dealing with an LRS client shall include the following provision:

“I, the undersigned client, do hereby acknowledge that I have been referred to this attorney through the Westmoreland Bar Association Lawyer Referral Service. In order to assure proper compliance with the Rules and Regulations of the Westmoreland Bar Association Lawyer Referral Service, I hereby authorize the attorney referenced herein to release information to the Westmoreland Bar Association Lawyer Referral Service regarding the fees charged and paid by me. I hereby waive any privilege or right to confidentiality relating to such information and hereby waive any claim or cause of action, of any nature and kind, that I may have against the Westmoreland Bar Association, the Westmoreland Bar Association LRS or the attorney referenced herein, arising out of or resulting in

any way from the release of such information to the Westmoreland Bar Association LRS.”

3. The participating lawyer shall upon request of the LRS, provide copies of all bills, invoices, settlement statements and/or any other written materials relating to fees charged and/or paid by the client, together with copies of any orders of court or other judicial documents wherein fees for the attorney’s services are established and/or approved. LRS retains the right to contact the referred client directly to obtain information regarding fees paid to the participating attorney.
4. Upon request the participating attorney shall provide the LRS the forum and docket number of the clients’ case.

LRS Qualification Committee

1. The President of the Westmoreland Bar Association shall, on or before May 1 of each year, appoint from the participating membership of the Westmoreland Bar Association three (3) members at least one of whom shall be a participant of the Lawyer Referral Service, who shall serve as a “LRS Qualification Committee” of the Lawyer Referral Service.
2. The term of any member of the LRS Qualification Committee shall not exceed one (1) year from the date of their appointment unless such member is reappointed by the incoming president.
3. The LRS Qualification Committee shall review applications for participation in the LRS and is charged with responsibility for determining the removal, suspension or denial of participation in the Lawyer Referral Service.
4. The LRS Qualification Committee may deny participation in, remove, or suspend participation in the LRS at any time.
5. Any meeting of the LRS Qualification Committee required under these Rules and Regulations may be conducted by a majority of its members.
6. All actions taken by the LRS Qualification Committee shall be by a majority vote of the members of the committee present at the time of such meeting.
7. In the event any member of the LRS Qualification Committee is unable to meet or take any action prescribed herein as the result of a conflict of interest or otherwise, then the President of the Westmoreland Bar Association shall replace such member and shall act in his or her stead.
8. In the event any participating member in the LRS is:
 - a. suspended or disbarred from the practice of law by the Supreme Court of the Commonwealth of Pennsylvania; or
 - b. fails to maintain malpractice insurance as required under these Rule and Regulations, the LRS shall cause notice of same to be sent to all clients of such participating lawyer who were referred through the LRS.

Immediate Disqualification and/or Denial of Membership

Any attorney shall be removed from the participation in the LRS or denied participation therein should any of the following occur:

1. The suspension or disbarment of the attorney through disciplinary proceedings conducted through the Disciplinary Board of the Pennsylvania Supreme Court,

2. Any requirement imposed by the Disciplinary Board at the Pennsylvania Supreme Court that a practice monitor supervise the attorney in his/her practice,
3. The participating attorney's resignation or retirement from the practice of law,
4. The voluntary or involuntary commitment of the attorney for mental illness,
5. The incarceration or sentencing of any attorney to a period of incarceration in excess of thirty (30) days,
6. The failure of the attorney to maintain professional liability insurance and to provide proof of same as required by the Rules promulgated by the LRS.
7. The failure of the attorney to maintain participating membership in the Westmoreland Bar Association; and/or
8. The failure of the participating attorney to pay the annual LRS membership fee of \$125.00.

Disqualification/Removal Process

1. An LRS applicant may be denied panel participation or be removed from panel participation at any time for good cause determined by the LRS Qualification Committee. Good cause shall include, but not be limited to, the following:
 - a. The failure to submit all required reports and fees within thirty (30) days to the LRS,
 - b. Signing or submitting any application or other certification or report to the LRS which shall be found to be untrue in any material respect,
 - c. Failure to provide the required 1/2 hour consultation to the client referred by the LRS provided, however, that nothing herein shall be construed to obligate a panel member to accept employment beyond the initial consultation;
 - d. Failure to use written fee agreement with the required language (see page 4) or the failure to provide any other financial information requested by the LRS as referenced herein,
 - e. Repeated refusal to accept referral cases from the LRS without good cause. (If a conflict of interest arises, it is the responsibility of the participating attorney to notify the LRS office immediately);
 - f. Failure to respond to or cooperate in the resolution of a client's complaint;
 - g. Failure to carry on the relationship with the client in a professional or business-like manner; and/or
 - h. Engaging in personal or professional conduct reasonably judged by the LRS to adversely affect or adversely reflect on the LRS.
2. The WBA Board reserves the right and has the sole discretion to suspend participation and/or remove an attorney from participation in the Lawyer Referral Service. An attorney who is suspended and/or removed from participation in the Lawyer Referral Service may request a meeting with the WBA President and WBA officers to review the issues and circumstances that resulted in the suspension and/or removal, and the full WBA Board will be advised of the circumstances and vote on how to move forward with the matter.
3. The procedure for disqualification, removal, or denial of participation upon consideration shall be as follows:
 - a. Upon receipt of a complaint by the LRS that the participating attorney has committed any act or actions or has engaged in behavior that would justify their removal, suspension or denial of membership, the LRS shall forward such information to the LRS Qualification Committee for review.

- b. The LRS Qualification Committee shall meet within twenty (20) days of the receipt of notification from the LRS to review the complaint.
 - c. The LRS Qualification Committee shall, following review, determine whether there is a sufficient basis for removal, disqualification or suspension of the participating attorney from the LRS panel.
 - d. In the event the LRS Qualification Committee determines that *prima facie* cause exists to suspend, remove or deny participation to an attorney, the Committee shall provide written notice of same to the participating member within ten (10) days of the date of its determination. Such written notice shall include a description of the nature and extent of the conduct complained of including copies of any materials considered by the Committee in reaching its determination.
4. The participating attorney shall have ten (10) days from the date of the written notice received from the LRS Qualification Committee to file a formal response to the allegations. Such statement shall be in writing, directed to the LRS Qualification Committee and include any documentary evidence in support of the attorney's position.
 5. The LRS Qualification Committee shall meet within twenty (20) days of receipt of such response and, upon review of the information submitted by the participating attorney, decide if the Complaint is well founded and, if so, determine an appropriate remedy. Written notice of the Committee's determination shall be submitted to the participating attorney within ten (10) days of its meeting. This determination of the LRS Qualification Committee shall be final.
 6. The LRS Qualification Committee may suspend, remove or deny membership to any participating member for a period up to one (1) year at the discretion of the committee. At the expiration of any period of suspension or removal imposed by the committee, a participating member of the WBA may reapply for membership in the LRS.
 7. In the event complaints are received and the LRS Qualification Committee determines that *prima facie* cause exists to suspend, remove or deny participation, the LRS shall immediately withhold referrals to the participating attorney pending preliminary review and determination by the committee.

The Referral Process

1. Clients are required to pay the referral fee then in effect before they are referred to a participating attorney. The LRS staff will advise clients that all participating attorneys charge their ordinary rates for services after the initial 30 minute consultation. LRS will waive referral fee for personal injury, social security, personal bankruptcy and workers' compensation cases.
2. The client will be referred to a participating attorney by the LRS after an initial telephone interview to qualify the referral.
3. The LRS staff will allocate the referrals evenly and in a sequential manner among all lawyers on the list for that category with the LRS Qualification that the client's convenience will be considered when giving the referral.
4. The LRS staff will provide the name and telephone number of one attorney to the client at the time of the telephone interview.