

RULES OF THE LAWYER REFERRAL SERVICE OF THE  
SAN BERNARDINO COUNTY BAR ASSOCIATION  
San Bernardino, California  
RULES GOVERNING THE SERVICE

**1. PURPOSE**

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

**2. THE SERVICE**

- A. The Service is established, sponsored and operated by The San Bernardino County Bar Association.
- B. The Service shall be supervised in its actual operation by the Lawyer Referral Service Committee for the Association.

**3. THE COMMITTEE**

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

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

**4. PARTIES AND AREA SERVED**

- A. The Service is available to all persons, firms and entities, regardless of geographic location of their place or places of residence or business.
- B. In general, the primary area served is San Bernardino County, California, excepting the cities of Ontario, Upland, Montclair and Chino and their environs. However, the excepted areas will be served when and as necessary.

**5. THE GENERAL PANEL**

A. Any active member in good standing of The State Bar of California, who is engaged in active private practice of the law a substantial portion of his time, and who has his business location in the County consisting of at least an office and a telephone for such practice in San Bernardino County, who makes written application for membership on the General Panel application forms of the Service and agrees to abide by all of the Rules of the Service including requirements that each panel member shall: (a) be covered by a bond, a policy of errors and omissions insurance in the minimum amount of \$100,000/\$300,000, or file an affidavit of self-insurance in like amount; (b) tender and pay when due the amounts of the membership and any other initial fees required by these Rules within the times specified; and (c) submit any fee dispute arising between such member and a client referred by the Service, if the client so elects, to binding arbitration by the Client Relations Committee of the San Bernardino County Bar Association, or other body established or approved by the Service, shall be a member of the Service and of its General Panel.

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

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

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

**6. SUBJECT MATTER PANELS**

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

(1) The Subject Matter Panel known as the Worker's Compensation Appeals Board Panel shall include (1) those General Panel members who were listed as IAC Panel members on January 1, 1966, and (2) such other General Panel members who have been or who are included by the Committee as permitted by the foregoing Paragraph A.

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

- B. A member may withdraw his name from any Subject Matter Panel by written request to the Committee. A withdrawal from all Subject Matter Panels will result from withdrawal from the General Panel.
- C. "Divisions of law or the practice of law" shall be deemed to include not only the commonly recognized fields or branches, such as Contract or Real Property Law, and the like, but also general trial practice, administrative law practice, and the like.
- D. In making the required determinations, the Committee may ask the member to furnish facts under his certificate or oath and such facts may include names or addresses of clients or others involved in particular matters or privileged matters. The facts required may include details as to library and equipment owned or available to use by the General Panel member.
- E. The Committee may from time to time adopt Minimum Requirements for membership on any Subject Matter Panels which are not in conflict with these rules, and may amend, supplement and suspend the same at any time, and from time to time. The Committee, acting upon its own initiative, or upon complaint or request by any member, may review the qualifications of a member of any Panel at any time, and after notice to the member, and an opportunity for hearing, may either take no action, may terminate or suspend (conditionally if desired) a Panel membership.
- F. Subject Matter Panel members must abide by these Rules and the State Bar of California Minimum Standards for a Lawyer Referral Service in the rendition of services.
- G. The divisions of law for which Subject Matter Panels are established are: Criminal law, Real Property, Debtor-Creditor (including Bankruptcy), Domestic Relations, Personal Injury and Property Damage, Estate Planning and Probate and Worker's Compensation Appeals Board. Subject Matter Panels may be established for Labor, Water, Mining and Public Lands, Tax Law, Corporate, Government-Administrative Law and Eminent Domain, if needed.
- H. Other Subject Matter Panels shall not be maintained without prior amendment of these Rules by the Committee.
- I. Minimum requirements have been defined and adopted for membership on the Subject Matter Panels hereinafter listed, and the requirements for these particular panels, identified as shown in the following schedule of exhibits, are incorporated into, and made part of, these Rules. Applications for Subject Matter Panel membership on these panels should disclose the facts showing that the applicant satisfies the pertinent minimum requirements.
- J. Effective May 1, 1990, all Subject Matter Panel Members must reapply for continued membership on Subject Matter Panels every two years.

<u>Name of Subject Matter Panel</u>	<u>Exhibit Identification</u>
Criminal Law	A
Debtor-Creditor (Bankruptcy)	B
Domestic Relations	C
Personal Injury/Property Damage	D
Probate and Estate Planning	E
Real Property	F
Worker's Compensation Appeals Board	G

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

**7. FEES**

- A. Each General Panel attorney shall pay to the Service, in advance, on the first day of January and the first day of July, a membership fee of \$40.00, which shall also include the fee for membership on one (1) Subject Matter Panel. For each additional Subject Matter Panel, (maximum limit of three [3] Subject Matter Panels), a fee of \$30.00 per panel due in advance on the dates indicated above. The Service shall notify General Panel members semi-yearly that the fees are or will become due and payable. The Service shall not be obligated at any time to return or refund all or any part of any membership fee.  
 Non-members of the San Bernardino County Bar Association shall pay an annual fee of \$100.00 to reimburse the Association for services rendered to Lawyer Referral Service.
- B. In the event of membership on more than one (1) Subject Matter Panel such member shall pay an additional membership fee of \$30.00 per panel, in advance, on the first day of January and the first day of July.
- C. In addition to the membership fees, each member shall pay to the Service a Referral Fee of 15% of the attorney's fee. Upon completion of the services undertaken for the client referred to the member, the latter, within thirty (30) days of such completion and receipt of his compensation, shall also pay to the Service at that time the 15% Referral Fee herein established. This 15% Referral Fee applies to referrals made to all panels, General and Subject Matter Panels.

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

**8. REGISTRATION OF PANEL ATTORNEYS**

- A. A Panel Attorney agrees, in consideration of the Association's maintenance of the Referral Service described herein, that:
  - (1) The information contained in his applications or application may be furnished to any applicant for reference;

- (2) His name may be classified in the Service for general references, without exceptions, subject to the provisions of Paragraph A of Section 11 thereof;
- (3) His name may be temporarily withdrawn from any or all panel classifications of the Service at any time, at the discretion of 2/3 of the members of the Committee, pending action by the Committee or Board under Paragraph B of Section 5;
- (4) He will abide by all rules and procedures of the Service which may be promulgated from time to time by the Committee;
- (5) He will in no event hold or claim to hold the Association or a Director hereof, of the Service, or any officer, director, member or employee thereof, to any liability whatever in connection with the operation of the Service, or the acts or omission of anyone referred by the Service;
- (6) He waives any claim he might have then or in the future against the Committee, the Board of Directors of the Association or the Association itself for any action that they may take with respect to him, his membership and his right as a member during his membership; and
- (7) He will accept and abide by the decisions of the Committee, subject only to his right of appeal to the Board of Directors of the Association and agrees that the unappealed decisions of the Committee and the actions of the Board of Directors upon any appeal shall be final, but shall not prejudice him or prevent him from filing a new application with the Committee upon additional data or information; that he waives and will not assert any claim he may have or may thereafter have against the Committee, any of its members, the Board or any of its members, with respect to any action taken upon his application or appeal as the case may be at any time, etc.

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

### **9. LIST OF PANEL ATTORNEYS**

A. There shall be maintained at the office of the Service copies of all of the applications of the approved General and Subject Matter Panel Attorneys in good standing. From such applications, and in the same order in which they are received, the Service office shall prepare index cards for such General and Special Panel Attorneys for use in making referrals.

### **10. ACCEPTANCE OF REFERRALS**

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

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

### **11. LEGAL FEES**

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

- (1) A maximum charge of \$25.00 payable to Lawyer Referral Service, covers a first conference at the Lawyer's office, consuming not more than one-half hour. This charge will be waived for Medical Malpractice, Workers' Compensation, and for Simple Will and Bankruptcy referrals;
- (2) The charges above specified cover consultation and advice only, and do not include preparation of letters or legal papers, court appearances or travel and the like;
- (3) Compensation for further services or services outside the attorney's office will be fixed by agreement with the client. In arriving at the amount of the compensation for such further services, the attorney shall take into consideration the client's ability to pay, regardless of whether such fee is fully compensatory to the attorney;
- (4) When a Panel Attorney shall learn or conclude that a referral will require the filing of a WCAB Application for Compensation, and he files such application, his right to receive any direct compensation is limited by law and regulation and he shall be governed accordingly. In such cases, the charges in (1) and (2) may not be made;
- (5) Any dispute between a Panel Attorney and the Service, in regards to referral fees, will be submitted to the Committee in accordance with Committee Rules, and the Panel Attorney agrees to be bound by the Committee's determination.

### **12. REFERRAL PROCEDURE**

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

### **13. ACKNOWLEDGMENT AND REPORT OF REFERRALS**

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

B. The Panel Attorney understands and agrees that he will be dropped from the active list of Panel members upon the happening of any one of the following events:

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

- (2) Failure to remit any fees owing the Service within thirty (30) days of the receipt of same;
- (3) Failure to comply with any rule, regulation, request, direction or order of the Service.

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

**14. RECORDS**

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

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

**15. REFUSAL OF SERVICE**

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

**16. DISPOSITION OF RECEIPTS**

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

- (a) payment of the actual expenses of operating, conducting, promoting and developing the Service, including expenditures for capital purposes for the Service, as determined on a reasonable accounting basis and with provision for reasonable reserves;
- (b) support of activities or programs:
  - (1) for the furnishing of legal services to persons and entities financially unable to pay for all or part of such services, or conducted pursuant to Rule 2-104(f) of the Rules of Professional Conduct, or
  - (2) designed to educate members of the public with respect to the law, the judicial system, the legal profession, or the need, manner of obtaining and availability of legal services, or
  - (3) designed to advance the science of jurisprudence, improve the administration of justice, or aid in relations between the Bar and the public, or
- (c) support of other activities in the public interest.

In no event shall proceeds from the Service be used to defray the costs of operating the San Bernardino County Bar Association (other than those properly apportionable as expenses for the purposes described in subsection (a), (b) and (c) hereof) or be used solely for the benefit of the members of the San Bernardino County Bar Association or members of the State Bar of California.

**17. INDEMNIFICATION**

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

Revised 1/03/92: 7.c. FEES  
17. INDEMNIFICATION

Revised 02/07/90 (corrected 09/06/90):  
11. LEGAL FEES [A.(1)]

Revised 11/17/92: 7.c. FEES  
17. INDEMNIFICATION

Revised 01/26/95: 6.k. LAW FIRM PANELISTS

Revised 03/10/98: 6. EXPERIENCE PANELS

Revised 07/28/99: 6. PRINCIPAL OFFICE