

**Dallas Bar Association
Lawyer Referral Service
Rules and Guidelines**

The purpose of the Dallas Bar Association's Lawyer Referral Service ("LRS") is to help the general public obtain access to legal advice and counsel, and to provide information about legal services available. The LRS is a community service project of the legal profession and exists for the benefit of the public. Any attorney in the greater Dallas/Fort Worth metropolitan area who is admitted to practice law in the State of Texas and is in good standing with the State Bar of Texas may seek membership in the LRS. Members shall abide by the LRS Rules and Guidelines as they exist upon the date of application and as may be amended from time to time.

A. Definitions

1. "Committee" means the Dallas Bar Association Lawyer Referral Service Committee.
2. "Lawyer Referral Service" means the service provided by the Dallas Bar Association that refers potential clients to lawyers and which is certified as a lawyer referral service under Chapter 952 of the Texas Occupations Code.
3. "Member" refers to all panel members of the LRS, including members of the Modest Means Panel.
4. "Modest Means Program" is a reduced fee program designed to make legal help accessible to lower and moderate income people who fall between 125% and 200% of the federal poverty guidelines and are not eligible for free legal aid.
5. "Modest Means Panel" refers to members of the LRS who accept clients who have been accepted into the LRS Modest Means Program for representation at a reduced rate.
6. "Virtual Office" means an office that is affiliated with an office business center or executive suites and is not an office operated exclusively out of a residence.

B. Membership Requirements

The following are the Requirements for Membership in the LRS:

1. Members shall be in good standing with the State Bar of Texas, qualified to practice law, adhere to the recognized ethical standards of the legal profession, and abide by the Texas Disciplinary Rules of Professional Conduct, the Texas Lawyer's Creed, and the Dallas Bar Association's Lawyer's creed.
2. Members shall pay an annual fee for membership in the LRS. The annual fee for members of the Dallas Bar Association is \$100. The annual fee for non-members of the Dallas Bar Association is \$330 for those licensed less than five years and \$400 for those licensed five or more years.

3. Members shall maintain in full force and effect professional liability insurance in the minimum amount of \$100,000 per occurrence and furnish the LRS with a copy of the declarations page of the policy on an annual basis. Members shall authorize their professional liability insurance carriers to provide the LRS with any information about their policies that the LRS may request, including notification of cancellation or renewal.
4. Members may select a maximum of six substantive areas of law in which they wish to receive LRS referrals. In doing so, Members certify to the LRS that they are competent to handle legal cases in those areas in accordance with the Texas Disciplinary Rule of Professional Conduct 1.01. If Members wish to change the areas of legal work to which they are assigned, Members shall notify the LRS in writing of their desire to make a change and complete the appropriate substantive panel forms.
5. Members shall engage in the full-time, private practice of law.
6. Members shall maintain an office in which to receive clients that is not attached to or connected with any residence. Virtual offices are acceptable provided that members meet with clients in an office setting such as a conference room, day office, or meeting room and not in or at any residence. Members shall meet with clients only in settings that convey a sense of professionalism and fully protect client confidentiality and the attorney-client privilege. Meeting in a public setting such as a restaurant, bar, coffee shop, retail store, or similar setting is not permitted.
7. Members shall disclose to the LRS within 30 days any pending suits for legal malpractice or other private civil action alleging attorney misconduct; any pending complaints, grievances, and disciplinary lawsuits that could result in reprimand, suspension, probation, or disbarment by the State Bar of Texas or other licensing agency; and any criminal indictment, criminal information, or criminal conviction, except Class C misdemeanors or crimes involving maximum punishment of a fine only. Members shall disclose in writing to the LRS any discipline imposed by a grievance committee of the State Bar of Texas or as a result of a disciplinary action within 10 business days of the discipline. Failure to disclose this information constitutes grounds for termination from the LRS.
8. Members shall disclose any suspensions or terminations from any lawyer referral program to the LRS within 10 business days of the suspension or termination.
9. Members are expected to demonstrate honesty and integrity in executing their professional responsibilities. Members shall bring any concerns about the honesty or integrity of a LRS staff member or another panel member to the attention of the LRS supervisor or the Executive Director of the DBA.
10. Members shall abide by the Rules and Guidelines of the LRS as they exist upon the date of application for membership in the LRS and as may be amended from time to time.

C. Client Fees

1. Except in the following circumstances, Members shall charge each potential client referred to them by the LRS a \$20 fee for the initial 30-minute consultation and remit the fee to the LRS within 10 business days of meeting with the client:
 - a. The client is a Modest Means referrals.
 - b. The Member determines, after meeting with the client, that the client is indigent and unable to pay the \$20 fee, in which case the attorney shall inform the LRS that he has waived the fee.
 - c. The client's case is a contingent fee case, in which case the attorney shall pay the \$20 fee if and when he retains the case.
2. Except for Modest Means referrals, Members shall pay the DBA LRS a 10% referral fee on any attorney fee in excess of \$400 generated from a case referred by the LRS. The referral fee shall be transmitted as the attorney receives payment of the fee. If the attorney fee is received on a periodic or installment basis, the referral fee shall be payable as the payments are received. No referral fee shall exceed \$100,000. Members are allowed to retain 100% of fees generated from clients participating in the Modest Means Program.
3. Members participating in the Modest Means Program shall charge the following fees:
 - a. No fee for the initial 30-minute consultation with the client.
 - b. Routine Will Package - \$200 flat fee; includes drafting of will, one revision, one meeting with client, and will execution. If additional revisions are requested, the Member shall charge a \$75 per hour fee.
 - c. Routine Simple Divorce Without Children - \$500 flat fee plus the filing fee. A Member shall charge a \$75 per hour fee if the case becomes more complicated.
 - d. Routine Simple Divorce without Children/Some Property (House, Cars, Personal Belongings) - \$750 flat fee plus the filing fee. A Member shall charge a \$75 per hour fee if the case becomes more complicated.
 - e. Cases become more complicated and are no longer routine if they become contested for any reason or involve property that is not contemplated above. Panel members should request guidance on routine cases from LRS staff. Additional guidance is included in Attachment 1.
4. Members shall have a written fee agreement with LRS clients.
5. Members shall notify clients at the outset of representation that a portion of the attorney's fees are payable to the LRS and that the LRS is entitled to know the outcome of the case, the attorney's fees received, and to audit the client's file to determine if the LRS has received the appropriate fee. In settled cases, the Member shall include the LRS with those who have a right to know about a settlement to the extent necessary to allow the LRS to assess the appropriate referral fees due to the LRS.

6. If the Members and the clients decide to work together after the initial consultation, the Members shall charge for legal services as agreed upon with the client and considering the client's ability to pay.
7. Members agree that any dispute concerning attorney's fees arising from a LRS referral shall be submitted to the Dallas Bar Association's Fee Dispute Committee if the client agrees to do so.
8. Members shall allow the LRS or its agents to examine and audit their financial or accounting records and legal files of referred clients if a question arises between the Members and the LRS regarding referral fees owed to the LRS. The audit may include, but is not limited to, charts of accounts, general ledgers, trial balance reports, balance sheets, income statements, invoices, bank deposit records, trust account records, court filing records, calendars, appointment records, time sheets, docket sheets, engagement letters, and fee agreements with LRS clients.

D. LRS & Client Communications

1. Members shall provide the LRS written notice of absences from the office exceeding five days as soon as possible and no later than five days prior to the absence.
2. Members shall notify the LRS of changes of address, telephone numbers, and insurance coverage as soon as possible and no later than five days prior to the change.
3. Members shall diligently strive to return all phone calls by close of business the first business day following the client's call or, if personally unable to do so, have someone from the member's office do so.
4. Members shall not recommend or refer LRS clients to other attorneys. If the member is unable to assist the client, the member shall refer the client back to the LRS for another referral.
5. Members shall maintain primary responsibility for the LRS client's matter until its completion.
6. Members understand that no attorney shall be permitted to use the DBA or LRS name or logo in any advertising medium without the prior written consent of the DBA and LRS.

E. Liability

1. Members agree that they will not hold or claim to hold the DBA or any of its officers, directors, members or employees liable in connection with the operation of the LRS.
2. Members understand that the LRS does not assure fee-generating referrals from LRS membership.

F. Operational Guidelines

1. The LRS will make referrals to Members on a rotation basis.
2. Members will accept referrals for initial interview in the substantive law areas to which they are assigned. Members should send referrals that are conflicts of interest or whom they cannot otherwise assist back to the LRS.
3. Members and applicants for membership are prohibited from meeting one-on-one with LRS employees. If a lawyer comes to the LRS offices, employees are required to advise their direct Supervisor that a lawyer wishes to meet with them. LRS staff must ask Members and applicants to wait in the second floor reception area and not in the basement offices until the Supervisor can be of assistance. Business relationships must be maintained at all times with Members. It is inappropriate for LRS staff members to go to the office of any Member for any reason whatsoever.
4. LRS staff shall not give preferential treatment to any Member, and LRS staff are required to inform their Supervisor if any Member asks for preferential treatment from the LRS.
5. When providing referrals to potential clients, LRS staff ask the callers to tell the attorneys that they were referred by the LRS and that there is a \$20 fee for a 30-minute consultation. The LRS also instructs the callers that it is their responsibility to call and set up the initial meeting with the attorney.
6. The LRS will send a Referral Confirmation Form, which will include the name and telephone number for the potential client, to the Member once a referral is made. Referral Confirmation Forms are sent by e-mail as soon as the referral is made and by fax or regular mail within one business day.
7. Members must return completed Referral Confirmation Forms to the LRS within 10 business days. Members who do not return their forms within 10 business days will be placed on inactive status and will not receive any referrals from the LRS until he has returned all Referral Confirmation Forms.
8. Every 30 days the LRS will send members a Client Disposition Form. Members must complete and return the Client Disposition Forms within 10 business days. Members who do not return their forms within 10 business days will be placed on inactive status and will not receive any referrals from the LRS until he has returned completed Client Disposition Forms.
9. Members who do not pay their annual dues or provide proof of insurance on a timely basis will be placed on inactive status and will not receive any referrals from the LRS.
10. The LRS will keep on file a confidential report of all referrals and reports of Members subject to inspection by the Committee and the Board of Directors of the DBA.

G. Client Complaints

The LRS shall respond promptly to any complaint by a referred client concerning a Member to whom the client was referred. Upon receiving the complaint, the Executive Director or the Executive Director's designee shall:

1. Promptly provide written notice of the complaint to the Member.
2. Appoint or request that the Committee Chair appoint a member of the Dallas Bar Association to investigate the complaint and assist the client and Member in resolving the complaint.
3. Give notice to the Member of the appointment and request that the Member respond to the complaint in writing within 10 business days from the date of such notice, either directly to the client with a copy to the investigating member or to the investigating member only.
4. If the complaint involves allegations of conduct that call into question the Member's ability to work with future clients, the LRS may immediately suspend the Member from the LRS. All decisions to immediately suspend a Member are made by the DBA Executive Director in consultation with the DBA President or DBA Executive Committee, and are subject to a subsequent Review Meeting as provided in these Rules.
5. The attorney appointed to investigate the complaint shall try to determine the facts of the complaint and help the parties resolve it. If a complaint is resolved to the satisfaction of the client, the investigating attorney shall confirm the resolution in writing and notify the Executive Director of the DBA and Chair of the LRS Committee.
6. If the complaint is not resolved, the investigating attorney shall advise the Committee Chair and the Executive Director of the Dallas Bar Association. The investigator shall provide a brief evaluation of the complaint and may recommend one or more of the following actions be taken:
 - a. That the complaint be dismissed as unfounded, with notice to the complaining client and the Member.
 - b. That the complaining client be referred to the State Bar of Texas Client Attorney Assistance Program or Grievance Committee.
 - c. In the case of a fee dispute, that the parties be referred to the Fee Disputes Committee.
 - d. That the complaint be referred to the Committee for review under Section L, Removal of Panel Members.

H. Ineligibility for Membership

The following are not eligible for membership in the LRS:

1. Lawyers who have previously been disbarred or resigned in lieu of discipline and who have not been reinstated and in good standing with the State Bar of Texas for at least five years.
2. Lawyers who have been actively suspended within the last three years.
3. Lawyers who have been publicly disciplined within the last year.
4. Lawyers with a pending suit seeking suspension or disbarment.

5. Lawyers with a pending felony charge involving moral turpitude or a misdemeanor charge involving theft, embezzlement, or fraudulent misappropriation of money or other property.

I. Withdrawal from Membership

Members may withdraw their names from membership upon five days written notice to the LRS.

J. Immediate Removal from Membership

Subject to a subsequent hearing as provided in these rules, a Member shall be removed from the LRS immediately and without prior notice or hearing should any of the following occur:

1. The filing of a suit for suspension or disbarment of the Member.
2. The suspension or disbarment of a Member.
3. The Members resignation from the practice of law.
4. The institution against the Member of felony charges involving moral turpitude or of misdemeanor charges involving theft, embezzlement, or fraudulent appropriation of money or property.
5. The voluntary or involuntary commitment of the Member for mental illness.
6. The failure of the Member to maintain current membership in the State Bar of Texas.
7. The State Bar of Texas Grievance Committee's assessment or a State District Court's adjudication of disbarment, resignation, probation, suspension, or public discipline.
8. The failure of the Member to maintain professional liability insurance.
9. If an LRS client complaint involves allegations of conduct that call into question a Member's ability to work with future clients, the LRS may immediately remove the Member from the service. The DBA Executive Director, in consultation with the DBA President or Executive Committee, shall make all decisions regarding immediate removal of Members.

K. Removal from Membership after Investigation

Members shall be removed from membership for good cause, including but not limited to the following:

1. Violating the LRS Rules and Guidelines.
2. Submitting false applications, certifications, or reports to the LRS.
3. Repeated refusal to accept referrals from the LRS.
4. Failure to notify the LRS of a conflict of interest.
5. Failure to respond to or cooperate reasonably with the investigation of a client complaint.
6. Failure to give due consideration to a client's ability to pay when arranging the terms of compensation.
7. Repeated failure to provide legal services satisfactory to clients referred by the LRS.
8. One or more client complaints that demonstrate a Member has failed to follow the standards set forth in the LRS Rules and Guidelines.
9. Failure to carry on the relationship with clients in a professional and businesslike manner.

L. Procedure for Removal of Members

1. The Executive Director of the DBA shall notify the Member in writing that they are being considered for removal from the LRS, including the reason for the removal.
2. The Member may request a meeting with a Review Committee consisting of the LRS Committee Chair and the DBA Executive Director to discuss the proposed removal. The Member shall request the meeting in writing within 10 business days of the date of the removal notice. The Review Committee may also include the DBA President or another member of the DBA as determined by the Executive Director.
3. If the Review Committee determines cause for removal, the Member shall have the right to appeal such decision to the DBA Board of Directors. The Executive Director shall notify the Member of the decision of the Board. Removal shall be effective on the date such notice is mailed to the Member.

Panel Member Certification

I, _____, certify that I have received a copy of the LRS Rules and Guidelines, have read, understand, and agree to abide by them as they exist now and as they may be amended in the future. I further certify that I will maintain a copy of the LRS Rules and Guidelines in my law firm's office and train my staff on them.

Date: _____