

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

The purpose of the Dallas Bar Association's Lawyer Referral Service (DBA LRS) is to assist the general public in obtaining access to legal advice and counsel and to provide information about legal services available. The DBA LRS is a community service project of the legal profession and exists for the benefit of the public. Membership may be sought by any attorney in the greater Dallas/Fort Worth metropolitan area who is admitted to practice in the State of Texas, in good standing with the State Bar of Texas, and abides by the Rules of Membership of the DBA LRS.

A. Rules of Membership

In consideration for membership in the DBA LRS, applicants for membership or members understand and/or agree that:

1. the applicant/member shall engage in the full-time private practice of law;
2. the applicant/member shall maintain an office in which to receive clients that is not attached to or connected with any residence;
3. the applicant/member shall be a member of the State Bar of Texas and in good standing with the State Bar of Texas;
4. the applicant/member shall abide by the rules of membership and operational guidelines of the DBA LRS.
5. the applicant/member shall pay an annual fee for membership in the DBA LRS. The annual fee for members of the Dallas Bar Association is \$100. The annual fee for attorneys who are not members of the Dallas Bar Association is \$275.00 for those licensed less than 5 years and \$335 for those licensed five or more years.
6. the applicant/member shall maintain in full force and effect professional liability insurance in the minimum amount of \$100,000.00 per occurrence and furnish the DBA LRS with a copy of the declarations page of said policy on an annual basis;
7. the applicant/member shall authorize the insurance carrier of said professional liability insurance to supply to the DBA LRS any information concerning the policy which it may request, including notification of cancellation or renewal;
8. the applicant/member shall send to the DBA within fifteen (15) days of the effective date, in writing, changes in address or telephone numbers, vacations from the office exceeding five days, notifications of pending grievances, and notifications of changes in insurance coverage;

9. the applicant/member shall disclose any current or past discipline imposed, any pending suit(s) for legal malpractice or other private civil action alleging attorney misconduct, any pending inquiries or complaints, any pending grievance matters submitted to an evidentiary panel, a disciplinary law suit, a criminal indictment or criminal information, or any criminal conviction, except Class C Misdemeanors or crimes involving a maximum punishment of fine only. Applicants/Members are required to disclose any current disputes, suspensions and/or terminations from any lawyer referral program. Failure to disclose this information constitutes grounds for rejection or termination. After acceptance as a member of the DBA LRS, attorneys must inform the DBA LRS within thirty (30) business days of notice of any grievance or pending litigation which could result in a reprimand, suspension, probation, or disbarment by the State Bar of Texas or any other licensing agency. Panel members shall disclose in writing to the DBA LRS any discipline imposed by a Grievance Committee of the State Bar of Texas or as the result of a disciplinary action within thirty (30) business days of the imposition of the discipline. The duty to disclose in writing is a continuing duty. The Panel member may not accept any additional cases from the DBA LRS after receipt by the Panel member of notice of such discipline from any source.
10. the applicant/member shall acquire an understanding of the systems and procedures of the DBA LRS prior to participation as a member;
11. the applicant/member shall diligently strive to return all phone calls with a twenty-four (24) hour period of the client's call or, if personally unable, have someone from the member's office do so;
12. the applicant/member shall diligently strive to meet with a client at appointed times and grant a potential client an appointment as soon as practical after the client's request is made, return telephone calls or answer letters of a client, and keep the client reasonably informed of the progress of a case.
13. the applicant/members shall cooperate with the DBA LRS in regards to client surveys which ask DBA LRS callers specific questions to determine satisfaction with the service provided by DBA LRS staff and attorney members;
14. unless the client falls into one of the exceptions noted in paragraphs 15 and 16, the applicant/member shall charge each client referred by the DBA LRS and interviewed by a panel member a fee of \$20 for the initial 30-minute consultation and remit such fee to the DBA LRS within 10 days of receiving the referral.
15. the applicant/member shall waive the \$20 fee only if the client is indigent and unable to pay. The decision to waive the \$20 administrative charge may not

be made prior to the initial in-person consultation, and the Panel member shall respond back to the Service to this effect on the DBA LRS reporting forms.

16. the applicant/member shall not charge the \$20 administrative fee in contingent fee cases unless the lawyer to whom the case is referred is retained, at which time the fee shall be payable by the lawyer rather than the client.
17. the applicant/member shall charge for further services as agreed upon with the client and the client's ability to pay.
18. the applicant/member shall have a written fee agreement with clients who retain the Panel Member through the Service.
19. with the exception of panel members performing services in bankruptcy cases in which federal law bars the payment of referral fees, the applicant/member shall pay to the DBA LRS a 10% referral fee on any attorney fee in excess of \$400 generated from a case referred by the DBA 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 periodic or installment payments are received. No referral fee shall exceed \$100,000. By way of example: On a \$1,000 attorney fee, the referral fee would be \$60, (i.e. 10% of \$600), and on a \$3,000,000 attorney fee, the referral fee would be \$100,000.
20. the applicant/member shall notify the client at the outset of representation that a portion of the fees are payable to the DBA LRS and that the DBA LRS is entitled to know the outcome of any legal representation, the attorney's fees received, and to audit the client's file to determine if it has received the appropriate amounts. Upon the settlement of any such action, the attorney shall be obligated to include the DBA LRS with those who have a right to know about a settlement, to the extent necessary to allow the DBA LRS to have knowledge of the settlement, including all attorneys fees paid in the case, whether paid directly by another party or by settlement proceeds so that the DBA LRS may determine the portion of the attorneys' fees to which it is entitled;
21. when the DBA LRS has made a referral to a panel member, the applicant/member shall not recommend or refer the client to another attorney. The panel member shall refer the client back to the DBA LRS for another referral;
22. the applicant/member shall consent that any dispute concerning fees arising from a referral made by the Service will be submitted to binding arbitration by the Fee Dispute Committee of the Dallas Bar Association in conformity with the rules of the Committee in the event the client so petitions;
23. the applicant/member shall abide by all of the Rules of the Service, as they exist upon the date of the application, and as may be amended from time to

time, and will in no event hold, or claim to hold, the association or any of its officers, members or employees liable in connection with the operation of the DBA LRS, or use of the information contained in the application in connection with the activities of the DBA LRS.

24. once a client is referred to a Panel member, the applicant/member shall maintain primary responsibility for the client's matter, if employed by the client, until completion of the matter, unless the Panel member refers the client back to the Service.
25. in submitting an application for Panel membership, an applicant shall list a maximum of six (6) areas of legal work which the applicant wishes to handle and those areas and knows or should know he/she is competent to handle. In so doing, the applicant certifies to the Dallas Bar Association he/she does not desire to handle legal matters involving the remaining areas and that he/she is competent to handle same in accordance with Texas Disciplinary Rule of Professional Conduct 1.01.
26. if a member wishes to change the areas of legal work to which he/she is assigned, the member shall notify the DBA LRS in writing of the desire to make a change and complete all necessary paperwork to change the areas in which he/she wishes to handle clients. In doing so, the member certifies to the DBA LRS that he/she desired to handle legal matters involving those areas and that he/she is competent to handle same in accordance with Texas Disciplinary Rule of Professional Conduct 1.01.
27. in accepting the registration of any applicant, the DBA LRS shall require such information and certifications as it deems necessary to have the applicant show that he/she is a member of the Bar is good standing, qualified to practice and adheres to the recognized ethical standards of the profession. The DBA LRS Committee or its designee shall conduct further investigations and require further information bearing upon the responsibility, capability, character and integrity of any applicant or registered lawyer, as the DBA LRS Committee deems appropriate and necessary. The DBA LRS Committee or its designee shall also require such information as it deems necessary in accepting or continuing the registration of any applicant or registered lawyer on any panel or panels that may be established.
28. the applicant/panel member shall allow the DBA LRS or its agents to examine and audit members' financial or accounting records and the legal file with regard to referred clients if a question arises between the member and the DBA LRS with respect to fees owed the DBA LRS. It is understood that the audit may include, but is not limited to, chart of accounts, general ledger-trial balance reports, balance sheet, income statements, invoices, bank deposit records, trust account records, court filing records, calendars, appointment

records, time sheets, docket sheets, engagement letters, fee agreements and contracts with DBA LRS clients.

29. the applicant/panel member agrees to indemnify and hold harmless the DBA and its officers, directors, members and employees from any and all claims, demands, actions, liability or loss which may rise from, or be incurred as a result of any and all referrals of clients, or lack thereof to the member through the DBA LRS and attribute to allegations or claims of professional malpractice.
30. the applicant/panel member understands that no attorney shall be permitted to use the DBA or DBA LRS name or logo in any advertising medium without prior written consent of the DBA and DBA LRS;
31. the applicant/panel member shall abide by the Texas Professional Code of Ethics, Texas Disciplinary Rules of Professional Conduct, and DBA Lawyer's Creed.
32. the applicant/panel member shall abide by the DBA LRS' decisions concerning membership.
33. the applicant/panel member understands that that DBA LRS does not assure fee-generating referrals will result from membership on any DBA LRS.
34. the applicant panel member is expected to demonstrate honesty and integrity in executing their professional responsibilities under the LRS Guidelines. Applicant panel members shall bring any concerns about the honesty or integrity of a DBA LRS staff member or another panel member to the attention of the supervisor of the DBA LRS or the Executive Director of the DBA.

B. Operational Guidelines for the LRS

1. Referrals will be made to Panel members on a rotational basis.
2. Panel members will accept any referral for initial interview in those areas which a member has indicated he/she is willing and competent to handle. However, should any referral give rise to a conflict of interest, the Panel member shall notify the DBA LRS, and refer the client back to the DBA LRS.
3. A Panel member rejecting referrals for any reason will be moved to the bottom of the rotation list.
4. LRS panelists and/or prospective panelists are prohibited from meeting one-on-one with LRS employees. If a lawyer comes to the LRS offices, employees are required to contact their direct Supervisor to advise the Supervisor that the

lawyer wishes to meet with him/her. LRS staff must ask LRS panelists/prospective members to wait in the second floor receptionist area and not in basement offices until the Supervisor may assist him. Business relationships must be maintained at all times with LRS panelists. It is inappropriate for any staff member to go to the office of any LRS panelist for any reason whatsoever.

5. DBA LRS staff members may not give preferential treatment to any panelist. DBA LRS staff members are required to inform their Supervisor if any panelist asks for preferential treatment from the DBA LRS.
6. When providing a referral to a potential client, DBA LRS staff members ask the callers to tell the attorneys or his/her staff that the DBA LRS referred the caller and that there is a \$20 fee for a 30-minute consultation. The DBA LRS also instructs the caller that it is their responsibility to call the attorney.
7. Once a referral is made to an attorney, the DBA LRS will send a Referral Confirmation Form to the attorney. This form will include the name and telephone number of the potential client. These are sent by e-mail, regular mail, or fax. Referral forms that are distributed by e-mail are sent immediately. Referral forms that are sent via fax and regular mail are sent on the same business day.
8. Panel members are required to return the referral forms within ten (10) business days. If they are not returned within the time required, the panel member will be placed on inactive status and will not receive any referrals from the DBA LRS until he/she has returned all referral forms.
9. Every 30 days, the DBA LRS will send panel members a Client Disposition Form. Panel members are asked to complete and return the disposition forms within 10 days. Panel members who do not respond within the allowed time period are placed on inactive status and will not receive any referrals from the DBA LRS until he/she has returned all disposition forms
10. Panel members are also placed on inactive status for failure to pay LRS dues and failure to provide proof of insurance.
11. Panel members may ask to be temporarily placed on inactive status due to his case load, vacations, illness, or other similar situations.
12. The DBA LRS will keep on file a confidential report of all referrals and reports of Panel members subject to examination and inspection by the Committee and Board of Directors of the Dallas Bar Association. All referrals will be reviewed at least quarterly if so desired.

C. Ineligibility for Membership

The following lawyers are not eligible for membership in the DBA LRS:

1. Lawyers who have previously been disbarred or resigned in lieu of discipline 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 past year;
4. Lawyers with a pending suit seeking suspension or disbarment;
5. Lawyers with pending felony charges involving moral turpitude or of misdemeanor charges involving the theft, embezzlement, or fraudulent appropriation of money or other property.
6. An applicant who is denied Panel membership shall be entitled to a hearing utilizing the same procedures as set forth for removal from Panel membership.

D. Withdrawal from Membership

A Panel member may at any time withdraw his/her name from participation on the Service panel upon five (5) days written notice to the DBA LRS.

E. Removal from Membership

A Panel member, after a hearing as described in Section G of this Article, may be removed from Panel membership for good cause determined by the Committee, which includes but is not limited to the following:

1. Violation of any of the DBA LRS Rules and Guidelines;
2. Submitting any application or other certification report to the DBA LRS which is later found to be untrue in any material respect;
3. Repeated refusal to accept cases referred by the DBA LRS.
4. Failure to notify the DBA LRS of a conflict of interest.
5. Failure by a Panel member to respond to, or otherwise cooperate reasonably in the investigation of a client complaint in accordance with Section F of this Article.
6. Failure to give due consideration to the client's ability to pay when arranging the terms of compensation.
7. Information indicating that a Panel member has repeatedly failed to provide legal services satisfactory to clients referred by the DBA LRS;

8. One or more client complaints which demonstrate that a Panel member has failed to abide by the standards set forth in these Rules and Guidelines
9. A pattern of repeated client complaints against a Panel member which, in the judgment of the Committee, indicates a substantial likelihood that the Panel member has failed to abide by the standards set forth in these Rules;
10. Failure to carry on the relationship with the client in a professional and businesslike manner.
11. The Grievance Committee of the State Bar of Texas' assessment or adjudication by a State District Court of a public reprimand, suspension, probation, or disbarment.

F. Procedure for Resolution of Client Complaints against Panel Members

The DBA LRS shall respond promptly and affirmatively to any complaint by a referred client concerning the Panel member to whom that client was referred. Upon receiving any complaint concerning a Panel member from a client referred to that member by the DBA LRS, the Executive Director or her designee shall:

1. Promptly provide written notice of such complaint to the Panel member;
2. Request that the Chair of the Committee appoint a member of the Committee to investigate such complaint informally and attempt to assist the client and Panel member in resolving such complaint, and give notice to the client and the Panel member of such appointment;
3. Request that the Panel member respond to such complaint in writing within 10 days from the date of such notice, either directly to the client with a copy to the appointed Committee member, or to the appointed Committee member only; and
4. If the complaint involves allegations of conduct that call into question the member's ability to work with future clients, the DBA LRS may immediately suspend the member from the DBA LRS. All decisions to immediately suspend a panel member are made by the DBA Executive Director in consultation with the DBA President or DBA Executive Committee, and are subject to a subsequent hearing as provided in Section G of these Rules.
5. The Committee member appointed to investigate a client complaint shall make such efforts to determine the factual basis of the complaint and assist the parties in resolving it as are reasonable in light of the volunteer status of such Committee member. If a complaint is resolved to the satisfaction of the complaining client, the appointed Committee member shall confirm such resolution in writing and

shall also notify the Executive Director of the DBA and the Chair of the Committee.

6. If a complaint is not resolved through the efforts of the appointed Committee member, the Committee member shall so advise the Chair of the Committee and the Executive Director of the DBA; in the event, the Committee member also shall provide a brief evaluation of the complaint based on the Committee member's informal investigation and may recommend that 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 Panel member;
 - b. That the complaining client be referred by the Service to the appropriate disciplinary counsel or grievance committee of the State Bar for institution of disciplinary proceedings;
 - c. In the case of a fee dispute, that the parties be referred to arbitration before the Fee Disputes Committee of the Association;
 - d. That the complaint be referred by the Chair to a subcommittee consisting of five members of the full Committee for consideration of possible removal of the Panel member in accordance with Section G of these Rules.

G. Procedure for Removal of Panel Members

1. The Executive Director of the DBA shall notify the Panel Member in writing that he/she is being considered for removal from the panel because he/she does not meet the standards as set forth in the Rules governing the DBA LRS.
2. The Panel member shall be entitled to a meeting with the Chair of the Committee to discuss said issue, and the panel member shall request such a meeting in writing within ten (10) days of the date of the notice of possible removal. The Chair, in his discretion, may include the DBA Executive Director, DBA President, or another member of the DBA Executive Committee in the meeting.
3. If the Chair of the Committee determines that there is a cause for removal, the Panel member shall have the right to a hearing before a specially called meeting of the Committee. The Chair shall notify the member of this right in writing, and the panel member shall request a hearing in writing within ten (10) days of the date of the notice of right to a hearing for removal. Five members of the Committee shall constitute a quorum for such purpose. If the Committee determines cause for removal, the Panel member shall have the right to appeal such decision to the Dallas Bar Association Board of Directors. The Executive Director of the DBA shall notify the Panel member by registered mail the decision of the

Board. Removal shall be effective on the date such notice is mailed to the Panel member.

H. Procedure for Immediate Removal of Panel Members

Subject to a subsequent hearing as provided in Section G, a Panel member shall be removed from the panel immediately and without hearing should any of the following occur:

1. The filing of a suit against the Panel member for suspension or disbarment;
2. The suspension or disbarment of the Panel member's resignation from the practice of law;
3. The institution against the Panel member of felony charges involving moral turpitude or of misdemeanor charges involving the theft, embezzlement, or fraudulent appropriation of money or other property;
4. The voluntary or involuntary commitment of the Panel member for mental illness;
5. The failure of the Panel member to maintain current membership in the State Bar of Texas;
6. The Grievance Committee of the State Bar of Texas' assessment or adjudication by a State District Court of disbarment, resignation in lieu of disbarment, indefinite disability suspension, or suspension for a term certain.
7. The failure of the Panel member to maintain professional liability insurance as required by the Rules governing the Service.
8. Misrepresentation or failure to disclose in writing any public discipline imposed on the Panel member by the Grievance Committee of the State Bar of Texas or a State District Court as the result of a disciplinary action, the Panel member will be removed and barred from the Panel.
9. If the complaint involves allegations of conduct that calls into question the members ability to work with future clients, the DBA LRS may immediately suspend the member from the DBA LRS. All decisions to immediately suspend a panel member are made by the DBA Executive Director in consultation with the DBA President or DBA Executive Committee, and are subject to a subsequent hearing as provided in Section G of these Rules.

Certification Regarding LRS Guidelines

I, _____ (fill in name of panel member applicant) certify that I have received a copy of the LRS Rules & Guidelines, have read and understand the LRS Rules and Guidelines, and agree to abide by the LRS Rules and Guidelines as they exist now and as they may be amended from time to time in the future. I further certify that I will maintain a copy of the LRS Rules & Guidelines in my law firm's office and train my staff on the LRS Rules & Guidelines.

DATE

SIGNATURE