

Lawyer Referral Service

Rules & Regulations

1. PURPOSE

The purpose of the Lawyer Referral Service (LRS) is to provide a source through which a person may be referred to a lawyer who is able and interested in rendering legal services or to aid callers in finding other appropriate sources of legal assistance when necessary.

2. THE COMMITTEE

The Lawyer Referral Service Board Advisory Committee is a board level committee. Its duty is to oversee the operation of the LRS. Each year, one member of the Cincinnati Bar Association's Board of Trustees is assigned to the LRS as a liaison. The Cincinnati Bar Association Board of Trustees approves each member joining or continuing participant. The LRS Board Advisory Committee is comprised of a Chair and Secretary. The committee meets the last Tuesday of every July, October, January, and April. Meetings normally start at 12:30 noon, unless otherwise indicated. The committee adopts rules and reviews procedures for the operation of the LRS.

3. FORMATION OF THE PARTICIPANT MEMBER PANEL

A. To qualify for membership and placement in rotation, the attorney must:

1. Maintain a primary private practice within the CBA LRS service area, unless the CBA LRS Board Advisory Committee grants an exception.
 - a. The CBA LRS Service area is defined as Hamilton, Butler, Warren and Clermont Counties in Ohio, Boone, Kenton and Campbell Counties in Kentucky and Dearborn County in Indiana.
 - b. An attorney's office is permitted to be shared office space as long as the attorney can:
 1. meet with clients in private office space and
 2. can protect client information and attorney/client privilege.
2. Be actively engaged in the private practice of law.
3. Continuously carry professional liability insurance in the amounts equal or greater than \$100,000 for each claim with \$300,000 aggregate as endorsed by the Cincinnati Bar Association. In the event the attorney has not received the declarations page from his/her insurance carrier by the expiration date of the policy, a self-certification form provided by the LRS must be used to maintain position in active rotation. Upon receipt of the declarations page, a copy must be sent to the LRS by mail, email or fax.
4. Carry on any relationship with clients in a professional and businesslike manner in all respects.
5. Abide by the rules and regulations of the LRS.

B. Each panel member's actions with a referred client reflect not only on the panel member, but also upon the LRS and the Cincinnati Bar Association. Any panel member who has been referred must exercise professionalism in the relationship with the client, including but not limited to; prompt answering of calls or returning calls to client, maintaining voice mail capability and the writing of all correspondence including email to the client by the attorney, or the panelist's office staff.

4. REQUIREMENTS OF THE PARTICIPANT MEMBER PANEL

- A. Each prospective panel member will submit an application and abide by these Rules and Regulations, and those listed on the registration form.
- B. The applicant must submit to listing on the application those fields of law in which they meet the subject matter panel requirements to receive referrals.
- C. In accepting the registration form from any applicant, the LRS may require such information and certification, as it deems necessary.
- D. The LRS Board Advisory Committee reserves the right to conduct further investigations and require further information concerning the responsibility, capability, character and integrity of any applicant or participating member. The Committee may also require such information as necessary in accepting or continuing the registration of any applicant or participating member.
- E. The LRS Board Advisory Committee may refuse membership to the panel to an applicant if the Committee finds the applicant to be unsuitable for panel membership in the LRS.
- F. Each panel member agrees:
 1. To submit to binding arbitration through the Fee Arbitration Committee of the Cincinnati Bar Association if any fee dispute arises from an LRS referral. Arbitration consent form must be signed within 30 days of receipt.
 2. To grant all clients referred by the LRS a consultation by phone or appointment as soon as practical as long as their case is within your practice area. This rule allows for the exception when it is determined by the panelist's office staff that they are unable to assist the client prior to consultation with the panelist at which time they are to be referred back to the LRS.
 3. To abide by all the rules and regulations of the LRS, and in no event hold, or claim to hold, the LRS or any of its officers, members or employees liable for the operation of, or use of the information contained in the member's application for the activities of the LRS.
 4. To annually certify that the panel member has not been suspended from the practice of law or found to be in violation of the Ohio Rules of Professional Conduct.

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5. To submit a policy endorsement, if available, from their insurance company when their business address changes, but their liability insurance policy does not change. If the endorsement is not available, then the panel member shall affirm in writing that their insurance coverage has not changed.
6. To submit a new liability insurance declarations page when their insurance carrier or type of policy changes due to change of law firm association or place of employment.
7. To immediately notify the LRS director if they change firms, leave a firm to establish their own practice, leave the state, or leave the practice of law. If any of these occur the panelist must:
 - Update the disposition of all LRS referrals
 - Notify the LRS director regarding each case and whether it is remaining with the original firm, or going with the panelist to their new practice.

*In either of these instances – remaining with old firm, or going with them to a new firm or partnership – the panelists agrees to notify any successor attorney or law firm that the ongoing obligation to LRS must be honored.

In the case of ceasing to practice law or leaving the state:

- If the panelist is a solo practitioner, they must refer all open LRS cases back to LRS for re-referral rather than pass on to another attorney outside the service
- If they are leaving a firm, they must inform the LRS Director with whom each case remains; or who at the firm to contact for that information.

5. FAILURE TO COMPLY WITH THE LRS RULES

- A. 1. An LRS applicant or participant may be denied registration or suspended from the panel by the LRS Director if the applicant or participant:
 - Fails Pay any fee due LRS
 - Fails to report
 - Fails to carry liability insurance
 - Fails to maintain a proper office
 - Fails to participate in fee arbitration as required
2. An applicant or participant denied registration or suspended under rule 5(A)(1) may apply to the LRS Director for registration or reinstatement after proof that he/she has complied. The LRS Director, Executive Director of the CBA, or current LRS Board Advisory Committee Chair reserves the right to bring such matters before the LRS Board Advisory Committee for decision.
- B. 1. An LRS applicant or participant may be denied registration or suspended from the panel by the LRS Committee if:
 - a. He/she has signed any application or other certification or report to the LRS which has been found to be untrue in any material respect; or
 - b. The LRS Committee receives notice or information giving it reasonable grounds to believe that a participant member does not meet the reasonable standards of responsibility, ability, character or integrity

- c. Fails to abide by the Ohio Rules of Professional Conduct
 - d. Is arrested or indicted for any offense, notwithstanding the attorney's ability to practice law.
2. Before finding any violation of 5 (B)(1), the LRS Committee must provide an applicant or participant an opportunity to be heard, including providing reasonable notice and a hearing. At the hearing, a majority vote of the LRS Committee members present will be necessary to deny registration or suspend an applicant or participant for violation of Rule 5 (B)(1).
 3. According to Supreme Court Rule XVI (2)(A) for the Government of the Bar of Ohio an LRS applicant or participant shall be denied registration or suspended from the panel by the LRS Committee if:
 - a. they are disbarred or suspended from the practice of law
 - b. any grievance against the participant or applicant results in a determination of probable cause
 - c. the participant or applicant is named in a criminal indictment, information, or complaint that charges a crime involving moral turpitude or dishonesty.
 4. An applicant or participant denied registration or suspended under rule 5 (B) may apply to the LRS Committee for registration reinstatement on the panel. Reinstatement shall be permitted upon the approval of the majority of the members of the LRS Committee present at the next scheduled meeting.
- C. All matters relating to Rules 5 (A) & (B) above concerning panel members will be held confidential and will be referred to the Bar Counsel of the Cincinnati Bar Association when appropriate.

6. OPERATION OF THE PANEL

- A. Refer to the Supreme Court Rules for the Government of the Bar of Ohio Rule XVI Sect. 1 for requirements for Lawyer Referral and Information Services operations.
- B. Referrals shall be made to listed attorneys in the order in which their names appear in the rotational system established.
- C. Panel members will accept any referral for the initial interview, which can be held in the attorney's office or by telephone, except for those matters, which the member has indicated in their application that they are unwilling to handle. However, should any referral give rise to a conflict of interest or another valid reason why they cannot help the client, a panel member or their staff will advise the client to contact the LRS for a new referral. Nothing herein will be construed to obligate a panel member to accept employment beyond the initial consultation.
- D. The panel member should not make the first contact with the client.
- E. Each panel member agrees to interview the client and, except in extraordinary situations, not to refer a prospective client to another attorney. If the situation is deemed extraordinary, the panel member agrees to first contact the LRS before referring the client to another attorney.

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- F. Except as provided in Rule 6(E) the panel member may not refer an LRS client to another attorney. He or she may share or delegate work on the client's behalf with another attorney only if the panel member remains the client's counsel-of-record and lead counsel, and oversees the shared or delegated work performed on the client's behalf. The panel member remains responsible for remitting to LRS 15% of the entire legal fee charged to the client, regardless of the extent to which work on the client's behalf was shared or delegated. The referred attorney will disclose to co-counsel that the referral was obtained by the LRS, and they shall be responsible for remittance of 15% of entire legal fees they charge to the LRS.
- G. After a panel member is referred to a client they will be moved to the bottom of rotation on that specific area of law panel regardless of whether the client makes contact or retains the panel member.
- H. A panel member can only receive referrals at a location where the member maintains a law office. Each panel member may select where satellite offices are located, but can only be listed once in rotation
- I. The internal operation of the LRS will be under the direction of the LRS Director and the Executive Director of the Cincinnati Bar Association.

7. ACKNOWLEDGMENT AND REPORT OF REFERRALS

- A. The participating member will complete and return any referral report forwarded by the LRS staff within the time indicated by the LRS. Failure to return the time requested reports or memorandums by the specified date will result in the LRS removing the participating member from rotation until delinquent forms are completed, or removal from panel under Rule 5 (A)(1). Nothing herein will require any attorney to violate the attorney-client privilege.
- B. The LRS shall conduct random audits of referrals including but not limited to researching courthouse records and routinely contacting referred clients.

8. DUES AND COMMISSIONS

- A. Each participating member of the LRS will pay to the LRS an annual membership of \$175 (CBA Members) or \$400 (CBA Non-Members) by the due date. This includes three main panels, each panel membership beyond three is \$50 per panel. The CBA's fiscal year ends April 30th of each year. Dues not paid by that date will result in existing membership lapse and removal from panel.
- B. Each participant member shall pay to the LRS 15% of the total fee of \$200 or more received for services performed for each referred client. Payment shall be due to the LRS within 30 days after receipt by the attorney. The \$200 threshold does not act as a deductible. 15% of the total fee is due to the LRS. The percentage fee requirement will last as long as the attorney continues to collect on a referral case or companion case. A companion case is defined as:

"A client or clients previously referred to an attorney by the LRS who returns for a matter rising out of the original set of circumstances/facts."

- C. The combined fees and expenses charged to a client by a service and the lawyer to whom the client is referred shall not exceed the combined fees and expenses the client would have incurred if no referral service were employed.
- D. LRS panelist are required to pay the LRS 15% of the total fees received from client/clients for the initial case without time limit, and all companion cases, which include all work "in progress" and that work which is subject to billing to the client.
- E. Nothing in this rule obligates an attorney to pay a referral fee to the LRS when a client returns to the attorney on a different and unrelated matter following the conclusion of the matter for which the client received the initial referral.

9. RECORDS

The LRS will keep on file a confidential record of all applicants, referrals, and reports of participant members, which will be subject to examination and inspection by the LRS Board Advisory Committee, CBA Bar counsel, and the staff of the LRS, and may be subject to subpoena. Records are kept in the CBA office for seven years then destroyed.

10. PUBLICITY

- A. The LRS shall develop and maintain an active publicity program using communications media best designed to inform the general public in the Greater Cincinnati area of the existence, purpose and advantages of the LRS and the kinds of information and services available. Whenever possible, the public should be informed as to when to seek legal advice.
- B. The form and content of all publicity regarding the LRS shall be dignified and consistent with recognized principles of legal ethics within Ohio and shall not be false, deceptive, or misleading.

11. MAXIMUM FEE TO BE CHARGED TO CLIENT

- A. Each client shall pay an initial fee of not more than \$50.00, provided the initial consultation does not exceed one half-hour. The fee for additional services after the first half-hour is to be determined by mutual agreement between the client and participant member. The prospective client will be so informed at the time the referral is made.
- B. Every participant member shall establish his/her fees in accordance with the spirit and the letter of the provisions of Rule 1.5 of the Ohio Rules of Professional Conduct..

12. AREA OF PRACTICE

A classification of legal services will be published, from which a participant member can delineate the services for which the member will be available. Attorneys must practice actively in the areas of law designated on their application. In order to receive referrals in these areas of the law, you must meet standards set forth by the LRS Board Advisory Committee. Those requirements are available through the LRS. Any changes in your area of law must be made in writing via mail, fax or email to the LRS.

13. LIMITED SCOPE REPRESENTATION

Limited Scope Legal Representation is intended for self-represented litigants who may not need to hire an attorney for “full representation,” but who need specific advice, services, document review, etc. The attorney/client mutually agrees to handle a specific and limited service or services, tailored to the needs and concerns of the client, using a detailed contract. The attorney/client understands that this type of practice is a joint effort on the part of the attorney and client, and that the attorney has a specified end to what he or she will perform. This is not a substitute for traditional legal services. It is an alternative form of representation for the pro se litigant. Although this is not considered a modest means program, typically legal fees are charged on an hourly or flat fee basis with no retainers involved, which will inherently reduce the cost of hiring a lawyer for agreed upon specific tasks. You may charge your regular fees as determined at the time of the initial interview and screening. Consultation fee and percentage fee rules will apply.

- A. To participate on the LRS Limited Scope Panel, attorneys must:
 - a. Abide by all rules of the Lawyer Referral Service.
 - b. Complete the Limited Scope Subject Matter Panel Requirements.
 - c. Attend a 3-hour limited scope training CLE provided by the CBA.
 - d. Demonstrate at least two years of experience (50% time or more) in the area you wish to accept limited scope clients.
 - e. Utilize written retainer agreements and retain written records documenting the scope of limited services for each client, including changes in scope when assisting clients referred by the Lawyer Referral Service. Templates can be found in the [Ohio Board of Professional Conduct Ethics Guide to Limited Scope Representation](#).
 - f. Use the Notice of Limited Scope and Notice of Withdrawal form, when and if approved by Hamilton County judiciary and by local rule, when assisting client referred by the Lawyer Referral Service.
 - g. Be a member of the Cincinnati Bar Association. LRS members can join limited scope panels at no additional charge, non-LRS members can join limited scope panels for \$50.

14. MODEST MEANS PROGRAM (MMP)

The Modest Means Program is meant to bridge a gap between individuals who do not qualify for legal aid based on their income, but also cannot afford full rate attorneys. Client income must fall below 250% of the U.S. National Poverty Guideline to be eligible for this program.

- A. MMP attorney applicants will complete the Lawyer Referral application along with the MMP addendum and agree to all LRS Rules and Regulations with the exception of those listed below.
 - a. MMP attorney applicants do not need to meet subject matter panel requirements referenced in LRS Rules 4.B and 12, however, must be competent to practice in the areas of concentration they have selected.
 - b. Any attorney applicant with less than five (5) years of practice must inform the LRS of an advisor attorney who the applicant will work with or request an advising attorney in the event they do not have an advisor within their current practice.
 - c. Lawyer Referral Service percentage fees referenced in LRS Rules 6.E and 8.C do not apply to MMP cases. No percentage fees will be due for cases that qualify under MMP.
- B. MMP Rules/Fee Restriction by case type
 - a. Small Claims Collections
 1. To qualify, a MMP client must have an existing judgment of at least \$2000.
 2. MMP Panelists agree to limit their contingency rate to 20%
 - b. Bankruptcy
 1. MMP Panelists agree to charge no more than the flat fee set forth in the attached fee schedule. This does not prohibit the attorney from collecting court costs or expenses from the client.
 - c. Domestic Relations/Juvenile
 1. MMP Panelists agree to charge no more than the initial fee and hourly fee set forth in the attached fee schedule.