



SONOMA COUNTY BAR ASSOCIATION

111 Santa Rosa Avenue, Suite 222 Santa Rosa, CA 95404-4945

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December 1, 2020

To: New Lawyer Referral Service Panelists

We invite you to join the Lawyer Referral Service for 2021 as a Panelist. The Lawyer Referral panel membership year this year is from January 1, to December 31, 2021.

New! This year we instituted a Modest Means Program, which is a new requirement by the State Bar as of January 1, 2020. Please see the enclosed flyer for more information. In addition, new information regarding the Modest Means Program is in ***red*** on the attached documents.

Attached is a packet which includes an Application, Agreement, and a copy of the state and local rules. Please complete the following documents and return them to me no later than February 15, 2021:

- 1. Your completed and signed renewal Application: please send back entire 11 pages of the Application (signature page only is not enough).**
- 2. Your completed and signed Agreement: please send back the entire 3 pages of the Agreement (signature page only is not enough).**
- 3. A copy of the declaration page of your Errors & Omissions Insurance*.**
- 4. Your payment by check (preferred), or Visa, MasterCard, or American Express for your panel fees.**

*If you do not have Errors & Omissions Insurance, insurance is available for a reasonable cost from Lawyers Mutual. This insurance only covers referrals received from the SCBA Lawyer Referral Service. Please contact me for details.

From 2000 to 2019, LRS Panel attorneys earned a total of \$8,589,971 from clients referred to them by the LRS. Of that total, \$956,027 was earned by panelists in 2019. The panelists' fees paid in 2019 to the LRS to earn that \$956,027 was \$6,750. On average, the attorneys who joined panels received a return of \$11,950!

As a panelist, you benefit by getting referrals to prescreened clients with legal problems, and your participation in LRS directly benefits you, your clients, the public, and the Sonoma County Bar Association.

If you have any questions or suggestions about the Lawyer Referral Service, please contact me at 542-1190 ext.190 or win@sonomacountybar.org.

Sincerely,

Win Rogers

Win Rogers, Legal Programs Manager

707-542-1190 ext. 190

Win@SonomaCountyBar.org

INTRODUCING THE SCBA'S LAWYER REFERRAL SERVICE

MODEST MEANS PROGRAM

AS OF 2020, THE STATE BAR IS REQUIRING LRS'S TO HAVE A MODEST MEANS PROGRAM

What does this mean for me, as an SCBA Lawyer Referral Service panelist?

If you choose to take a client of Modest Means, there will be a reduced rate sliding scale, based on client's income and assets, using the Sonoma County Superior court's fee waiver guidelines.

We will be offering reduced / sliding scale hourly rates of our attorneys: \$150-\$175-\$200 per hour.

- The Modest Means (MM) Program is voluntary, but you are highly encouraged to take MM clients
- There is no additional fee for joining a MM panel
- **The forwarding fee to SCBA will be dropped from 15% to 10%**
- We would like you to take a minimum of three cases per year on any combination of panels

Note: The reduced forwarding fee does not apply to contingency fee cases of any kind or that portion of cases that is being compensated by contingency arrangement, such as hybrid cases

You will only be required to offer this reduced rate for one year, then you can start charging your normal hourly rate; this will help encourage clients to not delay or continue their cases, but work toward resolving their issues within that timeframe. Panelists will keep track of this one year timeframe with the MM clients. One year starts from the date client hires the panelist and/or the panelist signs a legal fee agreement with an MM client.

What will SCBA do for me as a panelist?

When we set up the MM referral, we will let you know what rate the client should be charged. **Our office will do the qualifying/reviewing of income and asset information, and indicate to the panelist which reduced rate (\$150 - \$175 - \$200) the potential client is in.**

Once we have established the MM panel, and it has been up and running for a while, we will be asking for panelists' feedback

**LAWYER REFERRAL SERVICE
APPLICATION FOR NEW AND RENEWED
SONOMA COUNTY BAR ASSOCIATION PANELISTS
2021**

**Lawyer Referral Service
Sonoma County Bar Association
111 Santa Rosa Avenue, Suite 222
Santa Rosa, CA 95404-4945
(707) 542-1190 Ext. 19**

This application is effective from January 1, 2021– December 31, 2021

Attorney Name: _____ Email address: _____

Firm Name: _____ Law School: _____

CA State Bar Number: _____ Date Admitted: _____ Admission in Other States: _____

Office Address: _____

Mailing Address: (If different from Office address): _____

Office Phone No.: _____ Cell Phone No.: _____ FAX No.: _____

Name of Office Manager, Paralegal and/or Legal Assistant: _____

Assistant's email address: _____ Languages Accommodated: _____

PANEL FEES:

- Member of the Sonoma County Bar Association (SCBA)? Yes No
- **SCBA Members:** \$80 per Panel, up to a maximum fee of \$320. There is no limit to the number of panels that can be applied for.
- **Non-SCBA Members:** \$80 per panel, **plus** an administration fee of \$75 **or** the SCBA membership fees of \$95 (attorney for 1 year or less), \$170 (attorney for 1-6 years) or \$240 (attorney for over 6 years). Admin fee is waived for SCBA members.

Total Amount Enclosed: \$ _____

Payment Method:

- Check
- Visa/MasterCard/American Express No.: _____ Exp.: _____ CVV: _____ Zip Code _____

FORWARDING FEES: Panelists shall forward to the LRS 15% of attorneys' fees received for any case referred to them by the LRS. All forwarding fees are to be paid within 20 days of receipt by the attorney of any and all fees, regardless of whether or not the case is open and/or legal services are still being provided to the client. * As of 2020, all Modest Means referrals have a 10% forwarding fee. Hourly cases only. Does not apply to contingency cases or that portion of cases that is being compensated by a contingency arrangement, such as hybrid cases.*

ERRORS AND OMISSIONS INSURANCE: Errors and omissions insurance, in the amount of not less than \$100,000 for each occurrence and \$300,000 aggregate per year, is a requirement of membership with the Lawyer Referral Service. Applicant must maintain coverage throughout representation of clients referred by the Lawyer Referral Service. **Please return a copy of the declarations page of your policy with your application.**

PLEASE REMEMBER to Date and Sign this Application at the end of this form, on page 11.

SUBJECT MATTER PANELS: Check all the panels from which you wish to receive referrals. You must complete the Experience Requirements Statements (attached) to qualify for all subject matter panels. . *Note, please indicate which panels you would be willing to accept Modest Means clients for. Hourly cases only.

Mark to Select Panel	Will Accept Modest Means Clients	Panel	Mark to Select Panel	Will Accept Modest Means Clients	Panel	Mark to Select Panel	Will Accept Modest Means Clients	Panel
<input type="checkbox"/>	<input type="checkbox"/>	Appellate	<input type="checkbox"/>	<input type="checkbox"/>	Family Law	<input type="checkbox"/>	<input type="checkbox"/>	Medical Malpractice
<input type="checkbox"/>	<input type="checkbox"/>	Bankruptcy	<input type="checkbox"/>	<input type="checkbox"/>	Government Benefits	<input type="checkbox"/>	<input type="checkbox"/>	Personal Injury
<input type="checkbox"/>	<input type="checkbox"/>	Business	<input type="checkbox"/>	<input type="checkbox"/>	Immigration	<input type="checkbox"/>	<input type="checkbox"/>	Real Estate
<input type="checkbox"/>	<input type="checkbox"/>	Collaborative Family Law	<input type="checkbox"/>	<input type="checkbox"/>	Insurance	<input type="checkbox"/>	<input type="checkbox"/>	Restraining Orders
<input type="checkbox"/>	<input type="checkbox"/>	Collections	<input type="checkbox"/>	<input type="checkbox"/>	Intellectual Property	<input type="checkbox"/>	<input type="checkbox"/>	Tax
<input type="checkbox"/>	<input type="checkbox"/>	Criminal	<input type="checkbox"/>	<input type="checkbox"/>	Juvenile	<input type="checkbox"/>	<input type="checkbox"/>	Trust and Estate Administration
<input type="checkbox"/>	<input type="checkbox"/>	Elder Abuse	<input type="checkbox"/>	<input type="checkbox"/>	Landlord /Tenant	<input type="checkbox"/>	<input type="checkbox"/>	Workers' Compensation
<input type="checkbox"/>	<input type="checkbox"/>	Employment	<input type="checkbox"/>	<input type="checkbox"/>	Legal Malpractice			
<input type="checkbox"/>	<input type="checkbox"/>	Estate Planning	<input type="checkbox"/>	<input type="checkbox"/>	Mediation			

**SUBJECT MATTER PANELS
EXPERIENCE REQUIREMENTS**

Please complete the following information for each panel and/or subpanel for which you wish to qualify. All requirements must have been completed within 36 months prior to application, unless otherwise stated below. Certified specialization suffices for any requirement. If you do not qualify for membership, please refer to the **Rules Governing the Lawyer Referral Service of the Sonoma County Bar Association for Sonoma County Panelists III.B.4.**

APPELLATE PANEL **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

(1) Within the past five (5) years, applicant, while licensed to practice law by the State Bar of California, must have been counsel of record and personally performed or supervised all legal work and prepared, or supervised the preparation of, papers in connection with at least five (5) civil appeals. At least one (1) of the five must have been an appellant's opening brief;

1. Court: _____ Case Name, Number, Year: _____
2. Court: _____ Case Name, Number, Year: _____
3. Court: _____ Case Name, Number, Year: _____
4. Court: _____ Case Name, Number, Year: _____
5. Court: _____ Case Name, Number, Year: _____

BANKRUPTCY PANEL **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Consumer Subpanel: I have handled two Chapter 7's and two Chapter 13's through final disposition within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

Commercial Subpanel: I have handled one Chapter 11 bankruptcy through final disposition within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

BUSINESS PANEL

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Corporate Transactions Subpanel: I have formed, administered or dissolved two business entities and drafted one buy/sell agreement within the last 36 months.

1. Business Entity: _____ Date of Completion: _____

2. Business Entity: _____ Date of Completion: _____

3. Business Entity: _____ Date of Completion: _____

Litigation Subpanel: I have filed or defended one business dispute to resolution within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

Contracts Subpanel: I have drafted or reviewed three contracts within the last 36 months.

1. Client name: _____ Date of Completion: _____

2. Client name: _____ Date of Completion: _____

3. Client name: _____ Date of Completion: _____

COLLECTIONS PANEL: I have represented (filed or defended) two cases - one creditor or debtor in collection litigation within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

COLLABORATIVE FAMILY LAW: IACP standards 2.3 and 2.4. 2.3: I have at least one 30-hour training in client-centered, facilitative conflict resolution, of any kind typically taught in mediation training (inter-based, narrative, or transformative program.) 2.4: In addition, an accumulation or aggregate of fifteen further hours of training in any of the following areas: -Interest-based negotiation training; -Communication skills

training; -Collaborative training beyond minimum twelve hours of initial Collaborative training; Advanced mediation training; Basic professional coach training. I further agree:

That a Collaborative Family Law case in which I participate includes signing a stipulation which must include the following terms.

1. An agreement not to go to court with the collaborative attorney(s) after Stipulation is signed.
2. Disqualification of attorneys(s) in the event that the collaborative process is terminated.

1. Court: _____ Case Name, Number, Year: _____

CRIMINAL PANEL **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Felony Subpanel: I have litigated to resolution three preliminary hearings, three 1538.5 motions, three felonies through sentencing or other disposition, and one civil or criminal jury trial to verdict within the last 36 months.

Preliminary Hearings

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

1538.5 Motions

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

Felonies

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

Jury Trial to Verdict

1. Court: _____ Case Name, Number, Year: _____

Misdemeanors Subpanel: I have litigated to resolution three misdemeanors, other than DUIs, through sentencing within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

DUI Subpanel: I have litigated three DUIs through disposition within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

ELDER ABUSE PANEL: I have resolved by way of mediation, arbitration, or trial, at least three cases involving elder abuse claims brought under California Welfare and Institutions Code section 15600, et, seq, including one within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

EMPLOYMENT PANEL: I have handled or litigated two wrongful termination, wage and hour, or employment discrimination matters to resolution within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Client name: _____ Disposition, Year: _____ Court: _____

Case Name, Number, Year: _____

2. Client name: _____ Disposition, Year: _____ Court: _____

Case Name, Number, Year: _____

ESTATE PLANNING PANEL **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Wills and Trusts: I have prepared and supervised execution of three dispositive instruments, including one inter vivos trust within the last 36 months.

1. Office ID: _____ Date prepared: _____

2. Office ID: _____ Date prepared: _____

3. Office ID: _____ Date prepared: _____

FAMILY LAW PANEL **I am a Certified Specialist.**

General Subpanel: Within the past two years, I have litigated through conclusion one dissolution of marriage, three contested OSCs, and drafted one marital settlement agreement.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 24 months.

Dissolution of Marriage

1. Court: _____ Case Name, Number, Year: _____

Order to Show Cause Hearings

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

Marital Settlement Agreement

1. Court: _____ Case Name, Number, Year: _____

Advanced Subpanel: Within the past four years, I have litigated 5 dissolutions of marriage, 5 contested OSCs, 3 MSAs, three TROs to resolution, 3 child custody cases and 3 of the following:

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 48 months.

uniform child custody case

Court: _____ Case Name, Number, Year: _____

joinder custody case

Court: _____ Case Name, Number, Year: _____

adoption

Court: _____ Case Name, Number, Year: _____

appeal

Court: _____ Case Name, Number, Year: _____

order dividing pension or deferred compensation plan

Court: _____ Case Name, Number, Year: _____

business evaluation

Court: _____ Case Name, Number, Year: _____

foreign decree

Court: _____ Case Name, Number, Year: _____

uniform support

Court: _____ Case Name, Number, Year: _____

Dissolutions of Marriage

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

5. Court: _____ Case Name, Number, Year: _____

Order to Show Cause Hearings

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

5. Court: _____ Case Name, Number, Year: _____

Marital Settlement Agreement

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

TRO's

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

Child Custody Cases

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

GOVERNMENT BENEFITS PANEL: I have handled to disposition four administrative law proceedings regarding Social Security, SSI, Medicare, MediCal or Unemployment Insurance benefits within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Agency: _____ Case Name, Number, Year: _____

2. Agency: _____ Case Name, Number, Year: _____

3. Agency: _____ Case Name, Number, Year: _____

4. Agency: _____ Case Name, Number, Year: _____

IMMIGRATION PANEL: **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

I have handled two immigration cases, including one contested within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

INSURANCE PANEL

I have handled two Insurance Law Cases including one to settlement within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 48 months.

INTELLECTUAL PROPERTIES PANEL

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Patent Subpanel: I am admitted to practice before the U.S. Patent and Trademark Office and have handled one patent application, and one response to an U.S. Patent and Trademark Office action within the last 36 months.

Nature of Patent: _____ Date filed: _____

U.S. Patent Office Action: _____ Date completed: _____

Trademark: I have filed one trademark registration application within the last 36 months.

Nature of Trademark: _____ Date filed: _____

Copyright: I have handled one copyright application through Certificate of Registration within the last 36 months.

Nature of Copyright: _____ Date filed: _____

In addition, please submit additional evidence of your additional E&O insurance for this category.

JUVENILE PANEL

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Juvenile Dependency Subpanel: I have completed 8 hours training and education in juvenile dependency law or have made 6 months of regular appearances in dependency proceedings within the last 36 months.

Criminal Subpanel: Same as the Criminal Panel. Please complete that section above.

LANDLORD/TENANT PANEL: I have represented either a landlord or a tenant, and litigated through resolution four disputes, including two unlawful detainer actions within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

LEGAL MALPRACTICE PANEL: I have resolved through mediation, arbitration, or trial two legal malpractice cases, including one to settlement conference, ADR or trial within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

MEDIATION PANEL: Serving as a mediator, I have completed at least: (a) 10 mediations within the last 36 months, and (b) a total of at least 25 mediations; and I have completed at least: (c) 5 days or 40 hours total of participatory education or training including role playing in mediation conducted by a recognized mediation training or education provider, and (d) 4 hours of MCLE mediation or dispute resolution training in the past 12 months.

I certify under penalty of perjury that I hold the required experience and that this experience was completed within the time periods provided above.

1. Type of Dispute: _____

2. Type of Dispute: _____

3. Type of Dispute: _____

4. Type of Dispute: _____

MEDICAL MALPRACTICE PANEL: I have resolved through mediation, arbitration, or trial four medical malpractice cases, including one to settlement conference, ADR, or trial within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

PERSONAL INJURY PANEL: I have filed or defended to resolution four personal injury cases within the last 36 months.

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

3. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

REAL ESTATE PANEL

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Transactions Subpanel: I have handled to resolution two sales or purchases of real estate and negotiated or reviewed two leases within the last 36 months.

Sales/Purchases

Client name: _____ County: _____ Date of Recording: _____

Client name: _____ County: _____ Date of Recording: _____

Leases

Client name: _____ County: _____ Year: _____

Client name: _____ County: _____ Year: _____

Litigation Subpanel: I have handled to resolution two real property cases to resolution other than unlawful detainer within the last 36 months.

3. Court: _____ Case Name, Number, Year: _____

4. Court: _____ Case Name, Number, Year: _____

RESTRAINING ORDER PANEL:

CRIMINAL: I have handled to resolution two restraining order cases involving criminal law within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

CIVIL HARASSMENT: I have handled to resolution two Civil Harassment Restraining Order cases within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 48 months.

TAX PANEL: **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

I qualify by one of the following:

I am a CPA, MBA, or LLM in Taxation;

20% of my practice is in tax law; or

I have handled two tax proceedings before the Appellate Division, IRS, or Tax Court.

1. Court: _____ Case Name, Number, Year: _____

2. Court: _____ Case Name, Number, Year: _____

TRUST AND ESTATE ADMINISTRATION **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

Trust and Estate Administration: I have represented five clients in matters involving the probate of a will, administration of an estate, termination of a joint tenancy of real property, or a guardianship or conservatorship within the last 36 months.

1. Court: _____ Case Name, Number, Year: _____

- 2. Court: _____ Case Name, Number, Year: _____
- 3. Court: _____ Case Name, Number, Year: _____
- 4. Court: _____ Case Name, Number, Year: _____
- 5. Court: _____ Case Name, Number, Year: _____

WORKERS' COMPENSATION: **I am a Certified Specialist.**

I am already a member of this panel and certify under penalty of perjury that I continue to hold the required experience and that this experience was completed within the last 36 months.

I have handled four industrial compensation cases through final disposition, including at least one WCAB hearing and one petition for reconsideration within the last 36 months.

- 1. Forum: _____ Case Name, Number, Year: _____
- 2. Forum: _____ Case Name, Number, Year: _____
- 3. Forum: _____ Case Name, Number, Year: _____
- 4. Forum: _____ Case Name, Number, Year: _____

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Date: _____

Signature: _____

Print Name: _____

Revised 01-16-2020

**AGREEMENT FOR SONOMA COUNTY ATTORNEY PANELISTS OF
THE LAWYER REFERRAL SERVICE
2021**

The Lawyer Referral Service (LRS) of the Sonoma County Bar Association makes available to the public the services of qualified attorneys who are members of the LRS. The applicant is applying for panel membership in the LRS. In exchange for LRS referrals applicant agrees to the following conditions and covenants:

1. Applicant represents that he or she has read the **Rules Governing the Lawyer Referral Service of the Sonoma County Bar Association for Sonoma County Panelists** and agrees to abide by them or by those that may be later adopted. Rules are incorporated by reference. Applicant further represents that he or she has read and is familiar with the State Bar Rules of Professional Conduct, especially Rule 3-110.
2. For each Panel referral, applicant shall personally conduct the initial half-hour consultation without charge; the LRS office will collect the referral fee established by the LRS Rules. Applicant agrees to return the appropriate portion of the transmittal to the LRS within 10 days of receipt. For services rendered beyond the initial half-hour consultation, applicant shall establish in advance the fees to be paid.
3. Applicant shall pay the LRS forwarding fees in an amount equal to 15% of the total attorney fees received on all cases and clients referred by the LRS to the Applicant, regardless of the type or nature of the case or referral.

As of January 1, 2020, the LRS is offering a Modest Means program for clients who qualify. The forwarding fee for Modest Means cases will be at the reduced percentage of 10%. Hourly cases only. The reduced forwarding fee does not apply to contingency fee cases of any kind or that portion of cases that is being compensated by contingency arrangement, such as hybrid cases.

The forwarding fees which apply are those which were in effect at the time of the LRS referral to applicant. These fees are based on the total fees, which arise out of the subject matter of the original referral. "Total attorney fees" are fees received (*exclusive of reimbursable costs*) by the applicant, partners, associates, or paralegals, or by any attorney to whom the case has been transferred, with or without LRS consent. Applicant shall not pass the LRS forwarding fee on to any client, either directly or indirectly, through an increase in the rate, which would ordinarily be charged for the matter, or in any other matter.

4. All forwarding fees are to be paid within 20 days of receipt by the attorney of any and all fees, regardless of whether or not the case is open and/or legal services are still being provided to the client. An additional interest charge at the maximum legal rate may be assessed on any fees not received by the LRS after 60 days of payment of attorney fees. *Upon request, applicant shall provide the LRS with copies of all fee agreements and client billing statements.*

5. In extraordinary cases, Panelists may seek modification or waiver of forwarding fees. All such requests must be placed in writing and delivered to the LRS Program Director within 20 days of receipt of attorney's fees. The LRS Advisory Committee shall consider all such requests and render a decision in writing, which shall be deemed final.
6. Forwarding Fee Dispute/Binding Arbitration
 - (a) Upon administrative determination by the LRS Advisory Committee, in regular session, that a dispute exists between LRS and the Panelist, LRS will promptly notify the Panelist in writing, setting out the amount of the forwarding fee due to LRS and the basis of the calculation of the forwarding fee. The Panelist will have twenty days from the date the notice was mailed, in which to remit the full amount of the fee stated in the notice; or, if the Panelist disputes all or part of the fee, to notify LRS of the fact, the amount of the fee which is disputed, and the facts in support of the disputed amount of the fee.
 - (b) LRS and the Panelist agree to submit the matter of any such disputed forwarding fee to binding arbitration before a single arbitrator to be appointed from the Sonoma County Bar Association Fee Arbitration Panel. The procedure to be followed in any such arbitration shall be as set forth in the rules and procedures of the Sonoma County Bar Association Fee Arbitration Program for the binding resolution of attorney-client fee disputes by a single arbitrator. Panel member shall pay any and all administrative fees and costs charged by the Fee Arbitration Program.
 - (c) LRS shall suspend further client referrals to the Panelist until such time as the forwarding fee dispute has been resolved, and any amount of the forwarding fee determined to be due to LRS has been paid in full. In the event the referral of clients to the Panelist is suspended for any length of time pursuant to this provision, the Panelist shall not be entitled to any refund of any portion of any application/membership or panel fees paid to LRS. During any such period of suspension of referrals, no application by the Panelist for recertification shall be processed.
 - (d) The prevailing party in any proceeding or action arising out of or relation to this Agreement shall be entitled to receive its reasonable attorney's fees and costs in connection with such proceedings or action.
7. Applicant represents that he or she he is an active member of the State Bar of California, has not been previously removed from a panel of the LRS within the last two years; maintains a law office in Sonoma County; is not the subject of any State Bar, or like organization in any state, disciplinary proceedings; has no criminal charges pending anywhere; has not been convicted of a felony criminal offense; and has had no State Bar, or like organization in any other state, disciplinary proceedings adversely resolved against applicant. If applicant cannot make these representations, applicant shall attach a complete explanation.

8. Applicant agrees to maintain error and omissions insurance in the amount of not less than \$100,000.00 for each occurrence and \$300,000.00 aggregate per year. Applicant further agrees to continue to maintain such coverage throughout representation of clients referred by the LRS arising from the subject matter of the original referral.
9. Applicant agrees to indemnify and hold harmless the Sonoma County Bar Association (Bar), its officers, directors, members, and employees and the Lawyer Referral Service Advisory Committee (Committee) from any claim, demand, action, liability, cost, or loss resulting in whole or in part from applicant's handling of any LRS referral or by applicant's failure to comply with any provision of the Agreement. Applicant waives all claims against the BAR or COMMITTEE for any liability or loss arising out of the operation of the LRS.
10. This Agreement is effective from January 1, 2021 – December 31, 2021.

I have received, read, understand, and agree to comply with the entire terms of this Agreement and the **Rules Governing the Lawyer Referral Service of the Sonoma County Bar Association for Sonoma County Panelists**.

Date: _____

Signature: _____

Print Name: _____

This document supercedes any and all previously written Agreement for Sonoma County Attorney Panelists of the Lawyer Referral Service of the Sonoma County Bar Association.

Revised 01-16-2020

**RULES GOVERNING THE
LAWYER REFERRAL SERVICE
OF THE
SONOMA COUNTY BAR ASSOCIATION
FOR SONOMA COUNTY PANELISTS**

I. MISSION

The goal of the Lawyer Referral Service (LRS), a program of the Sonoma County Bar Association (Association), is to make legal services available to the public by providing a convenient and effective means by which a person may be referred to an attorney panelist (Panelist) of the LRS; to encourage members of the public to seek needed legal services; and to promote high standards of professional competence, integrity, and legal service in an increasingly complex society.

II. ADMINISTRATION

- A. The LRS shall be supervised in its operations by the Board of Directors (Board) of the Sonoma County Bar Association. The Board shall have the power to delegate to the Lawyer Referral Service Advisory Committee (Committee), which shall act as the governing committee under the State Bar of California Minimum Standards for Lawyer Referral Services in California and shall have such duties and responsibilities as are necessary and proper for the supervision of the LRS. The President of the Association shall appoint the Committee.
- B. The Executive Director of the Association shall employ a staff to administer the LRS under the supervision of the Board, Executive Director, and the Committee, pursuant to these rules.
- C. The Committee shall review records and reports, review applications for panel membership submitted on an equivalent experience basis, preside over membership termination proceedings, and promote the activities of the LRS.
- D. The LRS staff shall keep LRS records, arrange marketing and publicity for the LRS, develop any required reports, respond to any program requests by the Board, Executive Director or the Committee, and undertake any other duties consistent with the mission of the LRS.
- E. Attorneys who register with the LRS agree to furnish any requested information for the purpose of evaluation of the LRS.
- F. The Association and the Committee expressly reserve the right to decline to make the LRS available to any person.

III. MEMBERSHIP & ELIGIBILITY

- A. In order to be eligible for membership in the LRS, an attorney must:
 - 1. Be an active member in good standing with the State Bar of California;
 - 2. Be engaged in the active practice of law on a full-time basis;
 - 3. Maintain his or her professional office for the practice of law in Sonoma County;
 - 4. Be available for consultation with clients referred by the LRS during the hours of 9:00a.m. to 5:00p.m. Monday through Friday;
 - 5. Be covered by an Errors and Omissions insurance policy of not less than \$100,000 for each occurrence and \$300,000 aggregate per year and provide a copy of such policy's declarations page to the LRS;

6. Comply with the qualification requirements of each panel selected for membership.
- B. Minimum experience standards have been established to ensure the quality of legal services provided in accordance with Rule 12.2 of the Minimum Standards for a Lawyer Referral Service in California, promulgated by the State Bar of California. The experience qualifications for these panels are set forth in paragraph III.C below.
1. Each applicant must meet the experience qualifications described for each panel chosen for membership. The applicant must document these qualifications by court, case title, case number, and year.
 2. All requirements must be completed within 36 months prior to application, unless otherwise stated.
 3. Certified Specialization suffices for any requirement.
 4. If an applicant does not meet the minimum experience standards of a particular panel, he/she may qualify by one of the following ways, subject to the Committee's approval:
 - a) Submitting a statement signed under penalty of perjury and setting forth that experience which the applicant feels is substantially equivalent to the minimum standards; or
 - b) Completing 10 MCLE hours of instruction approved by the State Bar of California in the law and procedures of the panel in question; or
 - c) Establishing a mentor relationship with a more experienced attorney who meets the experience standards of the panel selected, and has been practicing in the area of law for a minimum of five years.

C. Minimum Experience Standards (Panels in **Bold** and underlined; Sub-panels in *Italics*.)

1. **Appellate:**

(1) Within the past five (5) years, applicant, while licensed to practice law by the State Bar of California, must have been counsel of record and personally performed or supervised all legal work and prepared, or supervised the preparation of, papers in connection with at least five (5) civil appeals. At least one (1) of the five must have been an appellant's opening brief;

OR

(2) Certified as a Specialist in Appellate Law by the State Bar of California.

2. **Bankruptcy:**

- a) *Consumer*: Two Chapter 7's and two Chapter 13's through final disposition.
- b) *Commercial*: One Chapter 11 bankruptcy through final disposition.

3. **Business:**

- a) *Corporate Transactions*: Formed, administered or dissolved two business entities; one buy/sell agreement.
- b) *Litigation*: One business dispute to resolution.
- c) *Contracts*: Drafted or reviewed three contracts.

4. **Collections:** Represented at least two cases: one creditor or debtor in collection litigation.

5. **Criminal:**

- a) *Felony*: Three preliminary hearings; three 1538.5 motions; three felonies through sentencing or other disposition; one civil or criminal jury trial to verdict.
- b) *Misdemeanor*: Three misdemeanors, other than DUIs, through sentencing.
- c) *DUI*: Three cases through disposition.

6. **Elder Abuse:** Three elder abuse matters to disposition, resolved by way of mediation, arbitration, or trial.

7. **Employment:** Two wrongful termination or employment discrimination matters to disposition, including one filing of a lawsuit or claim.

8. **Estate Planning:** a) *Wills and Trusts:* Prepared and supervised execution of three dispositive instruments including one inter vivos trust.
9. **Family:**
a) *General:* Within the past two years, one dissolution, three contested OSC's, and one MSA
b) *Advanced:* Within the past four years, five dissolutions, five contested OSC's, three MSA's, three TRO's, three child custody cases and three of the following: a uniform child custody case, joinder custody case, adoption, appeal, an order dividing a pension or deferred compensation plan, a business evaluation, a foreign decree, and/or uniform support.
10. **Government Benefits:** Four administrative law proceedings regarding Social Security, SSI, Medicare, MediCal or Unemployment Insurance benefits.
11. **Immigration:** Two immigration cases (including one contested).
12. **Insurance:** Two Insurance Law cases including one to settlement.
13. **Intellectual Property:**
a) *Patent:* Admitted to practice before the U.S. Patent and Trademark Office; one patent application; one response to an U.S. Patent and Trademark Office action.
b) *Copyright:* One copyright application through Certificate of Registration.
c) *Trademark:* One trademark registration.
14. **Juvenile:**
a) *Dependency:* Eight hours training and education in juvenile dependency law **or** six months of regular appearances in dependency proceedings.
b) *Criminal:* Same as adult cases.
15. **Landlord/Tenant:** Represented either landlord or tenant in two disputes and one unlawful detainer action through disposition.
16. **Legal Malpractice:** Two legal malpractice cases, including one to settlement conference, ADR, or trial.
17. **Mediation:** Serving as a mediator, have completed at least: (a) 10 mediations within the last 36 months, and (b) a total of at least 25 mediations; and I have completed at least: (c) 5 days or 40 hours total of participatory education or training including role playing in mediation conducted by a recognized mediation training or education provider, and (d) 4 hours of MCLE mediation or dispute resolution training in the past 12 months.
18. **Medical Malpractice:** Two medical malpractice cases, including one to settlement conference, ADR, or trial.
19. **Personal Injury:** Litigated, settled or tried four personal injury cases.
20. **Real Estate:**
a) *Transactions:* Two sales or purchases and negotiated or reviewed two leases.
b) *Litigation:* Two cases to disposition other than unlawful detainer.
21. **Restraining Orders:**
a) Two restraining order cases involving criminal law.
b) Two Civil Harassment Restraining Order cases
22. **Tax:** One of the following: 1) CPA, MBA, or LLM in Taxation; 2) 20% of practice in tax law; 3) two proceedings in Appellate Division, IRS, or Tax Court.

23. **Trust and Estate Administration: Two proceedings of:** probate of a will, administration of one estate, termination of one joint tenancy of real property, or a guardianship or conservatorship.

24. **Workers' Compensation:** Four industrial compensation cases through final disposition, including at least one WCAB hearing and one petition for reconsideration.

IV. FEES & REPORTS

- A. The annual membership dues are \$80 per Panel.
- B. Membership dues are payable on or before January 1st of each year.
- C. A client referred to a Panelist pays a \$50 referral fee to the LRS in advance of the initial consultation with the attorney.
- D. Panelists shall forward to the LRS 15% of attorney's fees received for any case referred to them by the LRS. All forwarding fees are to be paid within 20 days of receipt by the attorney of any and all fees, regardless of whether or not the case is open and/or legal services are still being provided to the client. **As of January 1, 2020, the LRS is offering a Modest Means program for clients who qualify. The forwarding fee for Modest Means cases will be at the reduced percentage of 10%. Hourly cases only. The reduced forwarding fee does not apply to contingency fee cases of any kind or that portion of cases that is being compensated by contingency arrangement, such as hybrid cases.**
- E. Monthly statements, referred to as **Case Status Reports**, are sent to each Panelist with open cases. These reports are to be returned to the LRS within 20 days, with the status of each case recorded and the forwarding fees included. Any Panelist who does not return the Case Status Report in a timely manner will be suspended from receiving any referrals until the report is received. Continued failure to return the Case Status Reports will result in a hearing for termination before the Committee. An additional interest charge at the maximum legal rate may be assessed upon any fees not received by the LRS after 60 days from when the attorney received payment of fees. *Upon request, the Panelist shall provide the LRS with copies of all fee agreements and client billing statements.*
- F. If a dispute between a Panelist and a LRS referred client arises over attorney's fees, the dispute shall be submitted, upon client request, to the State Bar of California's Fee Arbitration Program for binding arbitration.
- G. The Panelist and the client shall establish a fee arrangement in advance if any of the following occur: the Panelist expects to seek compensation for consultation time beyond the initial thirty minutes or for service (such as the preparation of any legal document or representation in any case or venture); the client requests additional consultation time and/or further services. LRS strongly recommends that all fee agreements be in writing.
- H. When fee arrangements for compensation are being agreed upon, the Panelist shall give due consideration to the client's ability to pay when fixing the terms of the fee agreement.

V. REFERRAL PROCEDURES

- A. Any person may contact the LRS and request a referral to an attorney. LRS shall determine if the Service is able to provide the person with a referral, and if so, which panel best suits the person's needs.
- B. The LRS will provide the client the contact information of the Panelist; the client will then call the Panelist directly to arrange an appointment that is mutually convenient between the Panelist and the client.

- C. LRS will refer all matters to Panelists on a rotational basis, subject to certain factors such as geographic location, foreign language needs or wheelchair accessibility, etc.
- D. Each panel shall rotate independently. When a referral is made to a Panelist, he/she shall be placed at the bottom of the particular panel's rotational order. If a Panelist refuses a case, he/she loses his/her turn and will not be offered another case until all other attorneys have gone through the rotation.
- E. The Panelist receiving the referral may not transfer the referral to any other attorney (regardless of whether or not the attorney is within the Panelist's office). Failure to observe this provision will result in suspension of referral privileges.
- F. The Panelist shall not discriminate against an LRS client on the basis of race, color, sex, age, religious creed, national origin, ancestry, sexual orientation, disability, medical condition, marital status, political affiliation or veteran status.
- G. The Panelist shall not knowingly violate any provision of the **STATE BAR ACT OR RULES OF PROFESSIONAL CONDUCT**, including, but not limited to, restrictions against unlawful solicitation and false and misleading advertising.
- I. If a Panelist fails to show up for a scheduled appointment, meet with a client or provide the half-hour consultation, then he/she is responsible for the referral fee along with an explanation to the LRS as to why the appointment was missed. If a second incident occurs, the Panelist will be brought before the Committee for further disciplinary action, including possible termination from the LRS.
- J. Client surveys are reviewed on a regular basis to evaluate the quality of services provided by the LRS and Panelists. Any Panelist who consistently does not meet client needs may be suspended or terminated from the referral service. Client surveys also report any legal fees paid to the Panelist. This information is compared to any legal fees reported by the Panelist.
- K. Every Panelist is expected to handle LRS referred clients with the same courtesy and diligence as non-LRS clients.
- L. No Panelist shall be obligated to render service beyond the initial half-hour consultation.
- M. It shall be the obligation of the Panelist to determine at the outset of a referral or consultation if a conflict of interest exists. If a conflict is determined, the Panelist shall immediately report this information to the LRS in order to facilitate the referral of the client to the next available Panelist.

VI. TERMINATION OF MEMBERSHIP

- A. Upon consultation with the SCBA Executive Committee, membership on the LRS may be temporarily suspended by written notice of such suspension ("Notice of Suspension") mailed to the Panelist, by the Program Director and/or the Committee. A suspension will result upon violation of any of the following actions enumerated below. Additional disciplinary action may be taken by the Committee after issuance of a Notice of Suspension, up to and including termination of the suspended Panelist, after undertaking an investigation and by vote of a majority of the Committee, based upon a showing by a preponderance of the evidence that any of the following occurred:
 - 1. Failure to pay the annual membership dues within 30 days of notice;
 - 2. Failure to collect and forward any and all fees within the appropriate time;
 - 3. Failure to consistently return Case Status Reports within the appropriate time;
 - 4. Failure to maintain continuous eligibility, insurance, and qualifications under Association Rules;
 - 5. Providing false information to the LRS or clients;

6. Commencement of disciplinary proceedings against the Panelist by the State Bar of California;
7. A decision by the State Bar of California to impose disciplinary action against the Panelist;
8. Unexcused failure to meet clients at the appointed time;
9. Display of rude or belligerent attitude toward LRS staff or clients;
10. Failure to provide the half-hour consultation;
11. Repeated failure to respond to telephone calls or letters from clients or LRS staff;
12. Failure to have a clear fee agreement with the client. (Note: It is the policy of the State Fee Arbitration Committee to accept the client's interpretation of the fee agreement in the event the fee arrangements have not been made in writing);
13. Failure to keep client informed of the progress of the case;
14. Repeated failure to accept referrals from the LRS;
15. Failure to respond to or cooperate in the resolution of a client complaint;
16. Use of duress to collect fees from a client;
17. Unexplained delay of the case by Panelist which resulted in depriving a client of timely economic benefit;
18. Failure to return files promptly to a client;
19. Unexcused failure to file legal action or decline representation promptly after consultation with client and research of case; and
20. For any other good cause which is in the interest of the LRS, as determined by the Committee.
21. Failure to attend a mandatory training within 12 months of initially becoming a panel member.

A. Termination Hearing:

1. Upon further investigation by the Committee and/or a failure to correct the violation(s) set forth in the Notice of Suspension, if correctable, the LRS Hearing Committee, which shall consist of no less than four (4) Committee members and include a member of the SCBA Executive Committee, shall conduct a hearing on termination of a Panelist's LRS membership, to initially be set within 90 days of the date of the Notice of Suspension.
2. The decision shall be rendered by a simple majority of the members constituting the hearing body.
3. Panelists shall be given written notice not less than 15 days before the scheduled hearing. The notice will include the asserted grounds for termination and the date, time, and place of the hearing.
4. The LRS will not make any referrals to the Panelist pending a determination of continued eligibility.
5. The Committee shall render a written decision within 15 days following the termination hearing.
6. Decisions by the Committee to terminate membership are conclusive.

C. Withdrawal from Membership:

1. A Panelist may withdraw from LRS membership at any time upon written notice to the Program Director.
2. A Panelist who withdraws from LRS membership shall remain obligated as follows:
 - a) The Panelist shall complete the cases in progress or refer the client(s) back to the LRS for a new referral;
 - b) The Panelist shall remain obligated to the LRS for any forwarding fees which remain owed to the LRS or which become due according to paragraph IV;
 - c) No portion of any dues or fees already paid by the Panelist to the LRS will be returned;
 - d) No unpaid fees due the LRS shall be discharged.

VII. COLLECTION OF OVERDUE AND/OR UNDER-REPORTED FORWARDING FEES

Following suspension and/or termination of LRS membership, if a former Panelist continues not to comply with the reporting requirements or continues to claim having received little or no legal fees from any LRS clients, the Committee shall invoke the following collection procedure policy. *The Committee may also invoke this procedure policy with respect to current Panelists that continually claim having received little or no legal fees from any LRS clients.*

- A. Thirty days after issuing the first Case Status Report following formal suspension and/or termination of membership (or at any time in the case of current Panelists suspected of under-reporting legal fees earned from LRS clients), the Committee shall send, via certified mail, a letter requesting billing records for outstanding LRS cases, pursuant to Rule IV (E), above.
- B. At the same time, the Committee shall communicate via mail or telephone with Panelist's LRS clients requesting information regarding fees paid, etc. to Panelist.
- C. Thirty days later, if the Panelist has not produced the requested information and submitted the appropriate forwarding fees, the Committee shall attempt to schedule a personal visit by a member of the Committee to physically review billing records, to engage Panelist in a discussion re nature, extent and seriousness of the problem, and to attempt to reach a mutually agreeable resolution and/or timetable for resolution. The Committee may, if the Panelist is willing, invite a third-party mediator to assist in the resolution of the dispute.
- D. Thirty days later, if no resolution has been reached, the Committee shall initiate a binding arbitration proceeding with the Panelist, as per Section 6, paragraph (b), of the LRS Attorney Agreement. This binding arbitration shall be before a single arbitrator to be appointed from the Sonoma County Bar Association Fee Arbitration Panel. The procedure to be followed in any such arbitration shall be as set forth in the rules and procedures of the Sonoma County Bar Association Fee Arbitration Program for the binding resolution of attorney-client fee disputes by a single arbitrator. The Panelist shall pay any and all administrative fees and costs charged by the Fee Arbitration Program.
- E. If the Panelist refuses to submit to the arbitration or adhere to its findings and results, the Committee shall initiate formal collection and/or legal action against Panelist, up to and including a lawsuit for fraud and breach of contract. The Committee shall also file a formal complaint against the Panelist with the State Bar of California.

VIII. AMENDMENTS

The Executive Director, LRS Advisory Committee, and Board of Directors have a continuing responsibility to seek ways and means of improving the quality of the legal services provided by the Lawyer Referral Service and the efficiency of its operation. From time to time changes and additions to these rules may be made to that end.

*This document supersedes any and all previously written **Rules Governing the Lawyer Referral Service of the Sonoma County Bar Association for Sonoma County Panelists.***

Revised 01-16-2020

TITLE 3. PROGRAMS AND SERVICES

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES

Chapter 3. Lawyer Referral Services

Article 1. Certification

Rule 3.800 Certification required

An individual or organization that refers prospective clients to attorneys must comply with minimum standards and be certified by the State Bar of California as a lawyer referral service unless exempt by law.¹ These rules set forth the minimum standards and certification requirements.

Rule 3.800 adopted as rule 3.700 January 7, 2011; renumbered as rule 3.800 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.801 Application for certification

- (A) To initiate or continue certification, a lawyer referral service must submit an Application for Certification as a Lawyer Referral Service that identifies each county in which it operates.
- (B) Every application must include panel membership criteria, including criteria for suspension and removal that provide for written notice and review with an opportunity to respond.
- (C) An application for initial certification may be submitted at any time. An application for continuance of certification must be submitted with the annual report required by rule 3.828. Within a reasonable time, the State Bar will notify an applicant that certification has been granted or denied or that an application is incomplete or noncompliant.
- (D) An application must be completed in accordance with application instructions and filed with any required fee.

Rule 3.801 adopted as rule 3.701 January 7, 2011; renumbered as rule 3.801 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.

Rule 3.802 Application fees

- (A) Application fees for initial and continued certification, which are set forth in the Schedule of Charges and Deadlines.²

¹ Business & Professions Code § 6155. See also California Rules of Professional Conduct, rule 5.4.

² Business & Professions Code § 6155(f)(4).

- (B) An application fee not received by the deadline is subject to the late penalty set forth in the Schedule of Charges and Deadlines. If the fee and penalty are not received within thirty days of the deadline, certification may be suspended and the lawyer referral service must cease any activity subject to these rules.
- (C) Application fees will be refunded upon written withdrawal of the application by the service. An application may not be withdrawn after certification has been granted. An application fee is otherwise not refundable.
- (D) An application or late fee for continued certification may be waived or reduced. Any request for a waiver or reduction will be reviewed based on demonstrated financial necessity.

Rule 3.802 adopted as rule 3.702 January 7, 2011; renumbered as rule 3.802 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.

Rule 3.803 Denial of application

- (A) An application for initial certification that fails to comply with these rules is denied in a written notice explaining the denial.
 - (1) Upon receipt of a notice of denial, an initial applicant may submit a written request for reconsideration within thirty days of the date of the notice. The request must explain why the application was compliant and be supported by any relevant evidence.
 - (2) Within sixty days of receiving a request for reconsideration of denial, the State Bar may grant certification or confirm denial of the initial application. If the denial is confirmed, the applicant may submit a petition for review to the State Bar Court in accordance with its rules.
 - (3) Denial of an application for initial certification does not preclude an applicant from submitting a new application. A new application must be submitted in accordance with application instructions and with the fee set forth in the Schedule of Charges and Deadlines.
- (B) An application for continued certification that fails to comply with these rules subjects a lawyer referral service to suspension or revocation pursuant to rule 3.806.

Rule 3.803 adopted as rule 3.703 January 7, 2011; renumbered as rule 3.803 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.804 Issuance of certification

The State Bar may grant certification with or without conditions for two years or a shorter time specified by the State Bar. Certification terminates at the end of the certification period unless renewed in accordance with these rules.

Rule 3.804 adopted as rule 3.704 January 7, 2011; renumbered as rule 3.804 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.805 Audits

Before granting or continuing certification, waiving an application fee, or at any other time, the State Bar may conduct an audit to determine whether a lawyer referral service has complied with these rules. Any audit must be at the expense of the lawyer referral service.

Rule 3.805 adopted as rule 3.705 January 7, 2011; renumbered as rule 3.805 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.806 Suspension or revocation of certification³

- (A) The State Bar may suspend or revoke certification of a lawyer referral service for failure to comply with these rules or for other good cause.
- (B) A lawyer referral service is entitled to notice of intention to suspend or revoke certification that states the reasons for the State Bar's action.
- (C) A lawyer referral service may file a written request for review of suspension or revocation of certification within thirty days of receipt of the notice. The request must explain why the action was inappropriate and be supported by any relevant evidence. Failure to request review results in final suspension or revocation of certification.
- (D) The State Bar must respond to a request for review that meets the requirements of these rules within sixty days of filing and give the lawyer referral service an opportunity to support the request. The State Bar may then continue, suspend, or revoke certification with or without conditions as it deems appropriate. The State Bar must provide the lawyer referral service a written statement of the reasons for its determination.
- (E) Within thirty days of receipt of the notice of suspension or revocation, the lawyer referral service may submit a petition for review to the State Bar Court in accordance with its rules. Certification is suspended or revoked for failure to submit a timely petition for review of suspension or revocation.
- (F) Pending review of a denial to continue certification, certification remains in effect unless the State Bar suspends or revokes it.

³ See Business & Professions Code § 6155(g).

- (G) When suspension or revocation of certification is final, a lawyer referral service must immediately cease any activity subject to these rules, and the State Bar must notify every panel member of the lawyer referral service that certification has been suspended or revoked.

Rule 3.806 adopted as rule 3.706 January 7, 2011; renumbered as rule 3.806 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.807 Complaints about a lawyer referral service

The State Bar must review a complaint about a lawyer referral service submitted pursuant to these rules⁴ within a reasonable time and

- (A) if the complaint demonstrates an apparent violation of these rules or other authority provide the service written notice of the complaint and an opportunity to respond; and
- (B) provide written notice to the complainant regarding what action, if any, it deems appropriate.

Rule 3.807 adopted as rule 3.707 January 7, 2011; renumbered as rule 3.807 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.

Rule 3.808 Notice

In these rules, a notice or other document is deemed received the fifth day after being sent by first-class mail or upon actual receipt when delivered otherwise.

Rule 3.808 adopted as rule 3.708 January 7, 2011; renumbered as rule 3.808 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Article 2. Minimum standards for lawyer referral services

Rule 3.820 General duties of a lawyer referral service

A lawyer referral service must

- (A) have a governing committee; one or more panels of attorneys to provide legal services; staff to evaluate and process requests for legal assistance; and, if engaging in automated referrals as described in rule 3.826(C), appropriate technology and safeguards to ensure accurate referrals;
- (B) encourage widespread attorney membership;⁵

⁴ Rule 3.820(E).

⁵ Business & Professions Code § 6155(f)(1).

- (C) serve its community and improve the quality and affordability of legal services by
 - (1) assisting those in need of legal services to find a qualified, insured attorney or other appropriate legal services, including dispute resolution;
 - (2) providing the public with general information about appropriate legal services; and
 - (3) establishing services for persons of limited means, such as a modest means panel, a limited scope panel, flat fee panels, providing a free referral for a 30 minute consultation by an attorney panel member, or providing for services on sliding fee scales or payment schedules; and
- (D) ensure the combined charges to the potential client by the referral service and the attorney to whom the potential client is referred do not exceed the total cost that the client would normally pay if no referral service were involved;⁶
- (E) tell each client how to submit a complaint about the service or one of its panel members and inform the client that an unresolved complaint may be submitted to the State Bar, provided it is in writing and supported by factual information that demonstrates a violation of these rules or other applicable authority;
- (F) if it is a non-profit use its income only to pay reasonable operating expenses and to fund its pro bono, legal services, and other public service programs;
- (G) fully cooperate with any State Bar audit;⁷
- (H) provide each panel member a copy of these rules; and
- (I) at all times comply with these rules and applicable law.

Rule 3.820 adopted as rule 3.720 January 7, 2011; renumbered as rule 3.820 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.

Rule 3.821 Ownership⁸

A lawyer referral service owned or operated by a bar association is deemed to be owned or operated by its governing committee. An attorney may not directly or indirectly own or operate a lawyer referral service if the attorney individually or jointly receives more than twenty percent of the referrals of the lawyer referral service.

Rule 3.821 adopted as rule 3.721 January 7, 2011; renumbered as rule 3.821 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

⁶ Business & Professions Code § 6155(a)(2).

⁷ See rule 3.805.

⁸ Business & Professions Code § 6155(b).

Rule 3.822 Governing committee

- (A) A lawyer referral service must be supervised by a governing committee of three or more members. A majority of the governing committee must be active licensees of the State Bar. No more than half the members of the governing committee may receive referrals from the lawyer referral service.
- (B) The governing committee must
 - (1) establish criteria for subject matter and general panel membership and use the criteria to evaluate panel members at least once every two years;
 - (2) establish and assess compliance with the referral procedures required by these rules;⁹
 - (3) review and submit the annual report required by these rules;¹⁰
 - (4) annually survey a random sample of at least ten percent of the clients of the service to determine client satisfaction with services and fees;
 - (5) on the basis of the annual survey, make any operational changes it deems necessary;
 - (6) provide to the State Bar information required to be collected under rule 3.826; and
 - (7) meet at least quarterly.

Rule 3.822 adopted as rule 3.722 January 7, 2011; renumbered as rule 3.822 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective June 1, 2019.

Rule 3.823 Panels

- (A) A lawyer referral service must establish panels of attorney members qualified to provide legal services to the public. The panels must be organized by subject matter but may include a general panel. A lawyer referral service is encouraged to establish moderate and no-fee panels and other special panels that respond to the needs of the public, in order to provide services that serve persons of limited means as required under rule 3.820(C)(3).¹¹

⁹ Rule 3.826.

¹⁰ Rule 3.828.

¹¹ Business & Professions Code § 6155(f)(5).

- (B) At least twenty attorney members, ten of whom are from separate and independent law firms, are required for all lawyer referral services, and each panel must have at least four members. The State Bar may waive these minimum requirements if a lawyer referral service operates in an underserved county or provides written evidence that the size of the community or the number of its attorneys warrants a lesser number, or the service otherwise demonstrates the ability to meet the needs of its service area with a smaller panel.
- (C) A lawyer referral service must require that each panel member
 - (1) have errors and omissions insurance in the amounts set forth in the Schedule of Charges and Deadlines and provide proof of insurance to the State Bar upon request;¹²
 - (2) not receive referrals evaluated and processed by a lawyer referral service staff member employed or otherwise compensated by the panel attorney;
 - (3) if the service operates in more than one county, identify each county the member agrees to take referrals from.
- (D) A lawyer referral service may disclose a panel member's past performance when the information is accurate, complete, and not misleading.

Rule 3.823 adopted as rule 3.723 January 7, 2011; renumbered as rule 3.823 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.

Rule 3.824 Eligibility for membership

Only an active licensee of the State Bar practicing in the community served by the lawyer referral service may be a member of the service. A member of any service that operates in more than one county make take referrals from any of the counties in which the service operates; provided, however, that the member must agree to travel to each county as reasonably necessary to perform legal services (such as client meetings), and must either maintain a place of business in each county or be able to offer an otherwise suitable location or method for the performance of such services. Remote services may be provided if they are adequate to meet a client's needs. To serve on a subject matter panel, such a member must meet the experience and other substantial and objective criteria of the lawyer referral service. Certification as a legal specialist qualifies an attorney to serve on a panel that deals with the area of certification, provided the attorney meets other criteria for panel membership.

- (B) Panel membership may not be contingent upon membership in a sponsoring entity.

¹² Business & Professions Code § 6155(f)(6).

Rule 3.824 adopted as rule 3.724 January 7, 2011; renumbered as rule 3.824 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective June 1, 2019.

Rule 3.825 Panel membership fees

- (A) Panel membership fees must be reasonable, encourage widespread panel membership, and otherwise comply with these rules and applicable law.¹³
- (B) Panel membership fees may not in any way be based on or guarantee contacts, calls, cases, referrals, or clients.
- (C) Panel members who are not members of a sponsoring entity may be required to pay a nominal charge for administrative services.

Rule 3.825 adopted as rule 3.725 January 7, 2011; renumbered as rule 3.825 November 4, 2011; approved by the Supreme Court effective January 21, 2014.

Rule 3.826 Referrals

- (A) The governing committee of a lawyer referral service must establish fair and impartial procedures to assure that referrals are allocated equitably to panel members and respond insofar as possible to clients' legal needs and other circumstances, such as geographic convenience and language issues.
- (B) All referrals in a geographical area may not be made to a single attorney or law firm. The State Bar may deny certification or recertification, or suspend or revoke certification, for failure to make referrals fairly and impartially to panel members or to maintain current and complete records of referrals.
- (C) If a lawyer referral service makes any referrals using purely technological means, the service must:
 - (1) for a minimum of twelve (12) months immediately following the implementation of any automated referral system, establish quality control and assurance measures that, at a minimum:
 - (a) make reasonable efforts to follow up within two (2) business days of each automated referral to evaluate whether the client's needs were adequately met; and
 - (b) allow for electronic feedback from clients regarding whether the automated referral was successful or failed to meet client's needs.

¹³ Business & Professions Code § 6155(f)(1). See rule 3.820(B).

After twelve (12) months, the service may reduce its quality control and assurance efforts to follow up with twenty-five percent (25%) of automated referrals if it demonstrates to the State Bar that the automated referral system results in successful referrals at a rate as high or higher than traditional referral methods. The service may make such a demonstration with customer satisfaction surveys, or other appropriate methods. The requirements of this subsection also apply after the adoption of a new technological platform, but do not otherwise apply to incremental software updates or similar improvements to an existing automated referral system;

- (2) ensure that any client who encounters a technical problem or any other difficulty or delay in using service's automated referral system is provided with information to contact an appropriate service staff member during regular business hours;
 - (3) forgo any fee if a referral is made that does not accurately reflect the needs of the client, unless the fee is applied to further referral efforts in the same matter that are successful;
 - (4) regularly analyze the efficiency and accuracy of the automated referrals and make adjustments to the technological platforms as needed; and
 - (5) provide data to the State Bar enumerating how many requests for referrals were made in a calendar year through the service's automated referral system, and how many such referrals were made using purely technological means.
- (D) A referral may not
- (1) discriminate on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, general expression, sexual orientation, age, military and veteran status, or other category of discrimination prohibited by applicable law, whether the category is actual or perceived;¹⁴
 - (2) violate restrictions against unlawful solicitation and false and misleading advertising or otherwise violate the Rules of Professional Conduct or law applicable to a licensee of the State Bar; or
 - (3) be made directly or indirectly by a person employed or otherwise compensated by an attorney or firm to whom the referral is made.

Rule 3.826 adopted as rule 3.726 January 7, 2011; renumbered as rule 3.826 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended effective January 25, 2019; approved by the Supreme Court effective June 1, 2019.

¹⁴ See Rules of Professional Conduct, rule 8.4(c)(1).

Rule 3.827 Records

- (A) A lawyer referral service must maintain and provide to the State Bar upon request current records
 - (1) for each panel member that include
 - (a) name, contact information, and qualifications;
 - (b) number and type of referrals, including whether referrals were made using purely technological means; and
 - (c) fees remitted for membership, referrals or consultations, advertising; or any other reason; and
 - (2) for each referral that include
 - (a) the client's name and contact information;
 - (b) type of matter, date of referral, and whether each referral was made using purely technological means; and
 - (c) panel member to whom the referral was made.
 - (3) sufficient to demonstrate compliance with section (C) of rule 3.826.
- (B) Any record in the possession of the State Bar pertaining to a lawyer referral service is the property of the State Bar and confidential unless authorized for disclosure by these rules, order of the Board of Trustees, or consent of the lawyer referral service.

Rule 3.827 adopted as rule 3.727 January 7, 2011; renumbered as rule 3.827 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.

Rule 3.828 Annual report

- (A) The governing committee of a lawyer referral service must submit an annual report of its activities and those of the lawyer referral service. The report must at a minimum
 - (1) provide a detailed accounting of
 - (a) all sources and amounts of income, expenses, and reserves during the reporting period;

- (b) the disposition of any reserves or surpluses derived from activities of the service during the reporting period and the immediately preceding reporting period;
 - (2) include statistics derived from the records the service is required to maintain, including information about the proportion of referrals made through an automated referral system;¹⁵ and
 - (3) summarize the annual client survey and any operational changes it prompted.¹⁶
- (B) Failure to submit an annual report on time suspends certification unless the State Bar extends the report deadline for good cause.

Rule 3.828 adopted as rule 3.728 January 7, 2011; renumbered as Rule 3.828 November 4, 2011; approved by the Supreme Court effective January 21, 2014; approved by the Supreme Court effective June 1, 2019.

Rule 3.829 Publicity

- (A) Publicity, which includes advertising or any other kind of promotional material, must
- (1) indicate that the purpose of the lawyer referral service is to serve its community and improve the quality and affordability of legal services as required by these rules;¹⁷ and
 - (2) acknowledge any sponsorship by the lawyer referral service; identify the counties in which the service operates; and provide the State Bar certification number or certification mark.
- (B) Any publicity by a lawyer referral service must comply with the California Rules of Professional Conduct and any other legal requirements.
- (C) A copy of any publicity
- (1) must be submitted with an application for certification or recertification; and
 - (2) may be required with the annual report.¹⁸

¹⁵ See rule 3.826(C).

¹⁶ Rule 3.822(B)(4) and (5).

¹⁷ See rule 3.820(C).

¹⁸ Rule 3.828.

Rule 3.829 adopted as rule 3.729 January 7, 2011; renumbered as rule 3.829 November 4, 2011; approved by the Supreme Court effective January 21, 2014; amended March 7, 2014; approved by the Supreme Court effective December 1, 2014.