

Macomb County Bar Association
Lawyer Referral Service Enrollment Form

LRS Dues Structure:

	<u>Full Year</u>	<u>Half Year</u>
Member	\$175.00	\$125.00
Non Member	\$325.00	\$275.00

Enrollment in the MCBA LRS shall be from January 1 through December 31 of each year. All rules are subject to change.

Instructions:

1. Fill in the blanks for the insurance section below (print or type).
2. Read and sign the updated MCBA Lawyer Referral Service (LRS) contract.
Retain a copy of this contract for your records.
3. Read and sign the Hold Harmless Agreement in Section II below.
4. Read and sign the LRS Agreement in Section III below.
5. Fill out completely the enclosed LRS Category Form, checking all desired categories for which you feel competent to represent clients.
6. Mail the following items to the Macomb County Bar Association:
 - ✓ **Make check payable to the MCBA or Visa/MC/Discover/Amex**
_____ Exp. Date _____ Security Code _____

Please fill out the area below if the billing address is different than the business address.

Billing Address: _____ City _____ State _____ Zip Code _____

- ✓ **Current copy of your Professional Liability Insurance Policy Declaration Certificate;**
- ✓ **Completed and signed Enrollment Form;**
- ✓ **Signed LRS Contract;**
- ✓ **LRS Category Form with appropriate categories checked; and**
- ✓ **Completed and signed, appropriate Subject Matter Applications.**

i. Insurance

ATTORNEY'S NAME _____
FIRM NAME _____
BUSINESS ADDRESS _____
CITY _____ STATE _____ ZIP _____
BUSINESS PHONE _____ FAX NUMBER _____
E-MAIL ADDRESS (to send forms) _____
PROFESSIONAL MALPRACTICE CARRIER _____
POLICY NUMBER _____

(Must include a copy of your Professional Liability Insurance Policy Declaration Certificate)

ii. Hold Harmless Agreement

I agree to hold harmless and indemnify the Macomb County Bar Association, its Officers, Directors, Employees, Volunteers and Contractors for any and all liability, loss, costs or damages they or it may incur as the result of my professional negligence or malpractice concerning any person, corporation or organizations referred to me by the Macomb County Bar Association's Lawyer Referral Service. I agree to abide by the rules and regulations of the LRS.

Signed X _____

iii. LRS Agreement

I agree to provide a free conference to each client referred to me by the Macomb County Bar Association Lawyer Referral Service. I agree to pay all fees and abide by the LRS contract. I also agree to personally conduct the initial consultation and or represent the LRS client, unless the client is referred to an attorney from my office who is a member in good standing with the MCBA Lawyer Referral Service. I understand that only those persons who are registered with the MCBA Lawyer Referral Service, have signed the hold harmless agreement and contract, submitted a current copy of their liability insurance, and paid the LRS dues fee may conduct the consultation and or represent the LRS client. Utilization of co-counsel or referral to an attorney not on the MCBA LRS panel, shall be prohibited unless prior written approval by the LRS Committee.

Signed X _____

PLEASE REVIEW CONTRACT AND SIGN.

**Macomb County Bar Association
Lawyer Referral Service Contract**

SECTION 1 Enrollment in the Macomb County Bar Association's Lawyer Referral Service shall be from January 1 through December 31 of each year. All rules are subject to change.

SECTION 2 Participants in the Lawyer Referral Service shall agree to hold harmless and indemnify the Macomb County Bar Association, its officers, directors, employees and contractors from any claim resulting from the participant's malpractice in connection with the representation of any person referred to said participant by the Lawyer Referral Service. Each participating member must provide a current copy of his/her professional liability insurance policy declaration certificate indicating the expiration date, which covers himself/herself, and any member of his/her firm, or on his/her staff who would be involved with the representation of a client obtained through the referral service. The policy must cover a minimum amount of \$100,000 per act. Furthermore, no attorney shall enroll in a practice section for which requires a special malpractice rider unless such special rider has been obtained and verification of such rider is provided.

SECTION 3 An annual registration fee of \$175.00 shall be paid by all participating MCBA members and \$325.00 for non-MCBA members of the Lawyer Referral Service. All MCBA members who commence participating after July 1 shall pay a registration fee of \$125.00 and non-MCBA members shall pay \$275.00 for the balance of the year.

SECTION 4 Registration fees shall be utilized for advertising and office expenses related to the Lawyer Referral Information Service. The allocation of funds for advertising and office expenses, and the type and method of advertising, shall be determined by the Board of Directors.

SECTION 5 All participating attorneys shall be sent status slips on which to report the status of each referral client. The initial consultation may be by phone or office visit. All participating attorneys shall pay 15% of attorney fees received by the referral, regardless of fee arrangements between the attorney and client, and regardless of when the client retains the attorney. "Attorney fees" is defined as the amount an attorney receives for legal services performed as opposed to amounts an attorney receives as reimbursement for costs advanced (e.g. court costs, etc.). If an attorney receives any attorney fees on any legal matter greater or equal to \$251.00, then the attorney pays a 15% fee on the total amount of net attorney fees received. However, if an attorney receives less than or equal to \$250.00 no referral fee is due the LRS. All fees shall be by cash, check, money order or credit card. Checks or money orders shall be made out to the Macomb County Bar Association. The 15% fee shall be paid to the MCBA within ten days after receipt. After that time if the payment and status slip are not received by the Lawyer Referral Service, no further referrals shall be made until such time that all delinquent payments and status reports are received, or unless otherwise directed by the Board of Directors. Any attorney refusing to grant a conference, or who charges an additional fee to compensate for money due the LRS, or who attempts such, may be removed from the Lawyer Referral Service roster of participating attorneys as set forth herein.

SECTION 6 Each participating attorney agrees to personally conduct the initial consultation and or represent the LRS client, unless the appointment is referred to an attorney from the same firm who is a member in good standing with the MCBA Lawyer Referral Service. Only those persons who are registered with the MCBA Lawyer Referral Service, have signed the hold harmless agreement and contract, submitted a current copy of their liability insurance, and paid the LRS dues fee may conduct LRS consultations and or represent the LRS client. Utilization of co-counsel or referral to an attorney not on the MCBA LRS panel, shall be prohibited unless prior written approval by the LRS Committee.

SECTION 7 Files of participating attorneys shall be arranged in the referral file in the order of receipt by the service. Referrals shall be made on a rotating basis in order of enrollment and area of law without regard to location. However, if a referral client requests a specific geographical location, the LRS will honor the request. Once the prospective client has been referred, the attorney's referral file shall then be rotated to the end of the file and shall come up for another referral strictly on a rotational basis. (The service does not guarantee that the person referred will keep the appointment, or that the matters will result in legal work of any kind.) If the referral client is unable to schedule an appointment with the attorney within five business days, the service shall refer the client to the attorney whose name appears next in the referral file.

SECTION 8 The Lawyer Referral Service shall report monthly to the general membership by publication in the Macomb County Bar Association's monthly magazine, Bar Briefs, or by other means, on the number and type of referrals. Any member of the Association may examine the referral system at any time and investigate the operation of the system.

SECTION 9 No attorney who is a member in good standing with the State Bar of Michigan shall be denied participation in the Lawyer Referral Service. However, any participant who fails to comply with any of the rules of the Lawyer Referral Service, or demonstrates a lack of professional skills, or who engages in conduct which brings negative attention to the Macomb County Bar Association, who is subject to three written legitimate complaints by referral clients within one year's time, or failure to maintain professional liability insurance coverage, may be removed from the Lawyer Referral Service list of participating attorneys by the action of the Board of Directors after a hearing with notice and due process.

SECTION 10 No lawyer shall enroll for a referral section or area of practice in which he/she is not qualified or appropriately skilled. Enrollment by an attorney for a section which he/she knows himself/herself not to be properly experienced or schooled may result in the attorney being stricken from that particular area of referral and may be subject to the penalties stated in Section 9. A lawyer desiring to be removed from an area of law or permanently from the LRS list must do so by notifying the LRS in writing.

SECTION 11 By participation in the service, the participating attorney hereby assigns to the MCBA fifteen (15%) of all net attorney fees received from cases as defined in section 5.

Section 12 Any controversy arising from or relating to this Agreement shall be decided by arbitration with a single Arbitrator. The arbitrator shall be selected by the Chief Judge of the 16th Circuit Court. The Arbitrator's award shall be final and non appealable and may be reduced to a judgment and entered in a court of competent jurisdiction. If the Macomb County Bar Association's Lawyer Referral Service receives a monetary award, it shall include actual attorney's fees and costs, plus interest at the rate of seven (7%) percent, simple annual, calculated from the date the fees were first due the Macomb County Bar Association Lawyer Referral service. Notice in connection with Arbitration may be served by regular mail or by personal service, provided a reasonable time for appearance is allowed.

I hereby certify that I have read and understand the foregoing contract and agree to abide by all the terms and conditions set forth therein.

Signature of Participating Attorney

MCBA Lawyer Referral Service - LRS Category Form

Attorney's Name _____

Please circle no more than 4 major categories in which you feel competent to represent clients. You may choose an unlimited number of sub-categories within each major category you have chosen. In addition, "Other" can be selected as a 5th category. Please make a copy of the completed form for your records.

Subject Matter Applications: A major category with an asterisk after it means you must fill out the enclosed subject matter application for that panel if you have selected any sub-category within that category. If an asterisk follows a sub-category, you will have to fill out the subject matter application for that particular sub-category.

* Requires additional subject matter application.

APPEALS

- administrative
- civil
- criminal
- family law
- federal

BUSINESS

- business litigation
- business sale/purchase
- corporate
- franchising
- liquor license
- non-profit corporations
- securities/arbitration
- small business
- taxes

CONSUMER LAW

- breach of warranty
- lemon law (new car purchases)
- odometer tampering
- all other consumer issues

* CRIMINAL

- expungement
- felonies
- license restoration
- medical marijuana
- misdemeanors
- OUIL/DUI
- pardon
- parole
- prisoners (must be willing to go to jail)
- probation
- traffic violations

ELDER LAW

- medicare/medicaid
- nursing homes
- other

* FAMILY LAW

- annulments/separate maintenance
- child custody/visitation
- child support
- divorce
- domestic violence
- grandparent's rights
- juvenile delinquency
- juvenile neglect
- military divorce
- name change
- paternity
- post-judgment
- post-nuptial agreements
- pre-nuptial agreements
- QDRO/EDRO

FINANCES

- chapter 7
- chapter 11
- chapter 13
- creditor rights
- debtor rights
- loan modifications

GOVERNMENT

- environmental
- federal
- gun permits
- immigration
- international
- licensing/regulation
- local/municipal/state
- military
- property taxes
- public utilities
- taxes-individual

INSURANCE

- casualty (car, fire, home, life)
- disability
- health care

INTELLECTUAL PROPERTY

- copyrights
- patents (attach proof of U.S. Patent License)
- trademarks

LABOR LAW/EMPLOYMENT

- age discrimination
- cobra act
- discrimination
- employee rights
- employer rights
- family leave act
- pensions
- severance matters
- sexual harassment
- unemployment
- union grievances
- workers comp
- workers comp federal
- wrongful discharge

MALPRACTICE

- dental malpractice
- legal malpractice
- medical malpractice
- veterinary malpractice

OTHER (not counted as major category)

- admiralty/maritime
- aviation
- civil litigation
- civil rights
- computer
- education (other)
- entertainment
- general contracts
- handicapped/disability rights
- identity theft
- medical records/HIPPA
- property damage
- restraining orders
- social services
- special education
- veteran affairs/benefits

* PERSONAL INJURY

- auto negligence
- dramshop
- false arrest
- general negligence
- police brutality
- premises liability
- product liability
- slander/libel
- wrongful death

PROBATE

- adoptions
- emancipation
- * estate planning
- * estate probating
- guardianship/conservatorship
- mental health
- wills & trusts

REAL ESTATE

- black mold
- boundary disputes
- builder/construction
- condemnation
- condominium
- construction lien
- foreclosure
- homeowners association
- land contracts
- landlord only
- landlord/tenant
- mobile homes
- mortgage issues
- oil/gas/mineral rights
- post closing defects
- quit claim deed
- residential sale/purchase
- short sales
- zoning

* SOCIAL SECURITY

- social security disability
- social security insurance
- social security juvenile

Please list counties you practice in:

Please list your fluency in any foreign languages or sign language:

Please list other states in which you are licensed:

MCBA LRS Criminal Law Panel Subject Matter Application
Membership Requirements

In order to be referred criminal defense cases, the attorney must meet the following minimum criteria:

- ✓ Be a member of the State Bar of Michigan;
- ✓ Disclose number of years practicing criminal defense;
- ✓ Have attended a criminal law seminar within the past year;
- ✓ List a minimum of 3 felony cases you have handled in the past 3 years (felony panel only) and or;
- ✓ List a minimum of 3 misdemeanor cases you have handled in the past 3 years (misdemeanor panel only).

Membership on the criminal panel is automatic if you are currently on the Macomb County criminal appointment list.

Please fill out the following:

- I am currently on the Macomb County Criminal Court appointment list. **(Print name and sign form only.)**
- Member of the State Bar of Michigan
___ Number of years practicing criminal defense.
- I have attended a criminal law seminar within the past year.

In order to be on the felony panel, you must list a minimum of 3 felony cases you have handled in the past 3 years. **(Fill out only if you want to be on the felony panel.)**

Case #	Name of Court	Judge	Charges	Date of Trial
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

In order to be on the misdemeanor panel, you must list a minimum of 3 misdemeanor cases you have handled in the past 3 years. **(Fill out only if you want to be on the misdemeanor panel.)**

Case #	Name of Court	Judge	Charges	Date of Trial
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

If you do not meet the specific minimum requirements but believe you have substantial equivalent experience, please describe that experience:

Name (please print) _____ P-Number _____

Signature _____

MCBA LRS Family Law Panel Subject Panel Application
Membership Requirements

In order to be referred family law cases, the attorney must meet the following minimum criteria:

- ✓ Be a member of the State Bar of Michigan;
- ✓ Have attended a family law seminar within the past year;
- ✓ Disclose the number of cases completed to judgment within the last 12 months;
- ✓ Disclose the date of the most recent domestic case; and
- ✓ List a minimum of 3 significant domestic relations hearings you have been involved in.

Please complete the following:

I am a member of the State Bar of Michigan

I have attended a family law seminar within the past year.

____ Number of domestic cases you have completed to judgment within the last 12 months.

Date of most recent domestic case _____

List a minimum of 3 significant domestic relations hearings you have been involved in:

Case #	Name of Court	Judge/Referee	Date of Hearing
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

If you do not meet the specific minimum requirements but believe you have substantial equivalent experience, please describe that experience:

Name (please print) _____

Signature _____

P-Number _____

MCBA LRS Juvenile Delinquency & Neglect Panels Subject Matter Application
Membership Requirements

In order to be referred juvenile delinquency and/or neglect cases, the attorney must meet the following minimum criteria:

- ✓ Be a member of the State Bar of Michigan;
- ✓ Disclose number of years practicing juvenile law;
- ✓ Have attended a juvenile law seminar within the past year;
- ✓ List a minimum of 3 juvenile delinquency cases you have handled to completion in the past 3 years (juvenile delinquency panel only); and or
- ✓ List a minimum of 3 juvenile neglect cases you have handled to completion in the past 3 years (juvenile neglect panel only),

Membership on these panels is automatic if you are currently on the Macomb County Family Division/Juvenile court appointment list.

Please complete the following;

I am currently on the Macomb County Family Division/Juvenile court appointment list. **(Print name and sign form only.)**

Member of the State Bar of Michigan
____ Number of years practicing juvenile law.

I have attended a juvenile law seminar within the past year.

In order to be on the **juvenile delinquency panel**, you must list a minimum of 3 juvenile delinquency cases you have handled to completion in the past 3 years.

Case #	Name of Court	Judge	Charges	Date of Trial
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

In order to be on the **juvenile neglect panel**, you must list a minimum of 3 juvenile neglect cases you have handled to completion in the past 3 years.

Case #	Name of Court	Judge	Charges	Date of Trial
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

If you do not meet the specific minimum requirements but believe you have substantial equivalent experience, please describe that experience:

Name (please print) _____ P-Number _____

Signature _____

MCBA LRS Personal Injury Panel Subject Matter Application
Membership Requirements

In order to be referred personal injury cases, the attorney must meet the following minimum criteria:

- ✓ Be a member of the State Bar of Michigan;
- ✓ Have been practicing personal injury law for a minimum of 2 years;
- ✓ Have experience in personal injury litigation, including contested motion practice and negotiation of settlements;
- ✓ Disclose the date of resolution, the most recent personal injury case; and
- ✓ Have completed to resolution, 3 personal injury cases in the last 2 years.
- ✓ If an attorney has less than 2 years of practice, he/she must disclose a mentor/mentee relationship with an experienced personal injury attorney.

Please complete the following:

- I am a member of the State Bar of Michigan

- I have practiced personal injury law for 2 or more years and have experience in personal injury litigation, including contested motion practice and negotiation of settlements.

Date of resolution of most recent personal injury case _____

List minimum of 3 personal injury cases you handled to completion within the past 2 years:

Case #	Name of Court	Judge	Date
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

I have been in practice for less than 2 years and have established a mentor/mentee relationship with an experienced personal injury attorney, namely, _____ of _____

If you do not meet the specific minimum requirements but believe you have substantial equivalent experience, please describe that experience:

Name (please print) _____

Signature _____

P-Number _____

MCBA LRS Probate & Estate Planning Panels Subject Matter Application
Membership Requirements

In order to be referred Probate and Estate Planning matters, the attorney must meet the following minimum criteria;

- ✓ Be a member of the State Bar of Michigan;
- ✓ Have attended a probate, guardianship, conservatorship, or estate planning seminar within the past year; and
- ✓ For estate planning cases only, if an attorney has less than 3 years of practice, he/she must disclose a mentor/mentee relationship with an experienced estate planning attorney.

Please complete the following:

I am a member of the State Bar of Michigan

I have been in practice for 3 years or more.

I have been in practice for less than 3 years and have established a mentor/mentee relationship with an experienced estate planning attorney, namely, _____ of

If you do not meet the specific minimum requirements but believe you have substantial equivalent experience, please describe that experience:

Name (please print) _____

Signature _____

P-Number _____

MCBA LRS Social Security/SSD/SSI/SSJ Panel
Membership Requirements

In order to be referred social security disability (SSD), insurance (SSI) or juvenile (SSJ) cases, the attorney must meet the following minimum criteria;

- ✓ Be a member of the State Bar of Michigan;
- ✓ Disclose the number of years practicing before the Social Security Administration; and
- ✓ List a minimum of 5 Social Security Administration hearings within the past 3 years.

Please complete the following:

I am a member of the State Bar of Michigan

____ Number of years practicing before the Social Security Administration.

Total number of matters taken to hearing in the last 2 years (must have a minimum total of 5):

____ # of Social Security Disability hearings and/or;

____ # of Social Security Insurance and/or;

____ # of Social Security Disability-Juvenile

If you do not meet the specific minimum requirements but believe you have substantial equivalent experience, please describe that experience:

Name (please print) _____

Signature _____

P-Number _____

How Percentage Fees Work

*Macomb County Bar Association -- Lawyer Referral Service
(586) 468-2940 members only; (586) 468-6926 fax; (586) 468-8300 LRS*

What fees are included in fee sharing?

All participating attorneys shall pay 15% of attorney fees received by the referral, regardless of fee arrangements between the attorney and client. "Attorney fees" is defined as the amount an attorney receives for legal services performed as opposed to amounts an attorney receives as reimbursement for costs advanced (e.g. court costs, etc.). If an attorney receives any attorney fees on any legal matter greater or equal to \$251.00, then the attorney pays a 15% fee on the total amount of net attorney fees received, not just the retainer fee. It also includes the initial \$250.00 collected, therefore, do not deduct the initial \$250.00 collected from your total attorney fees. However, if an attorney receives less than or equal to \$250.00, no referral fee is due the LRS.

What if I don't collect?

Then we don't either. We only charge the percentage fee on dollars you actually collect.

What if my client sues me for a rebate of fees?

We will rebate the amount we collected, if you can prove to our satisfaction that is what happened.

How is the fee sharing amount collected?

The 15% fee from cases shall be paid to the MCBA within ten days after receipt. Status reports will be periodically sent to the attorney as follow up.

How will you know how much I owe you?

We will rely on your honesty. We will also have your client's name, address and phone number and will make audits. The application you sign to become a member requires you to agree to abide by the rules, including the provision for sharing 15% of the net attorney fees collected.

What's the advantage of participating in a fee sharing program?

The LRS will supplement your advertising and marketing efforts. Additionally, you only pay the Macomb County Bar Association Lawyer Referral Service when you receive payment.

If I can't represent the LRS client, can I refer them to another attorney?

As stated on the enclosed LRS contract, Section 6, each participating attorney agrees to personally conduct the initial consultation and or represent the LRS client, unless the appointment is referred to an attorney from the same firm who is a member in good standing with the MCBA LRS. Only those attorneys who are registered with the MCBA LRS, have signed the hold harmless agreement and LRS contract, submitted a current copy of their liability insurance, and paid the LRS dues may conduct LRS consultations and or represent the LRS client. Utilization of co-counsel or referral to an attorney not on the MCBA LRS panel, shall be prohibited unless prior written approval by the LRS Committee.