

# **L**awyer Referral & Information Service

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## **RULES OF OPERATION**

### **ARTICLE ONE**

#### **Purpose**

The purpose of the Lawyer Referral & Information Service is to assist the general public by providing a way in which any person in need of legal services may be referred to a qualified member of the Bar or be provided with information regarding other programs or entities which may be more appropriate alternatives for assisting them with their legal needs.

### **ARTICLE TWO**

#### **Organization**

- Section 1. These Rules shall be called Rules of Operation of the Montana Lawyer Referral & Information Service, sponsored by the State Bar of Montana.
- Section 2. As used herein the term "Association" means the State Bar of Montana; the term "Committee" means the State Bar of Montana Lawyer Referral Committee; the term "Applicant" means a client making application for legal services with the Montana Lawyer Referral & Information Service; the term "Service" means the Montana Lawyer Referral & Information Service; "Executive Director" means the Executive Director of the State Bar of Montana.
- Section 3. The Service shall be operated in accordance with these Rules and any amendments thereto as may be adopted from time to time by the Board of Trustees of the association. The Service shall be governed by the Board of Trustees of the association and the Committee, which shall be appointed pursuant to Article IX of the By-Laws of the association.
- Section 4. The Service will be operated by the Executive Director who, together with other personnel selected and supervised by the Executive Director, shall be subject to the approval and continuing jurisdiction of the Board of Trustees. The Executive Director shall make monthly reports to the Committee at any time the same is requested by the Chair of the Committee. The Executive Director shall keep such records as are required by the Committee or the Board of Trustees. To facilitate the orderly and prompt administration of these Rules, the Committee may delegate powers to the Executive Director. Referrals generally shall be in rotation within designated geographical areas. Matters requiring fluency in a foreign language shall, to the extent possible, be referred to an attorney having fluency in that language. The Executive Director and the Chair of the Committee annually shall file with the Board of Trustees a report on the activities of the Service.

### **ARTICLE THREE**

#### **Administration**

- Section 1. Any member in good standing of the association engaged in the active practice of law in the State of Montana may apply for registration with the Service by signing and filing with the Executive Director a registration form to be provided by the Service, proof of professional liability coverage and by paying the registration fee. The registrant shall not be processed without the registration fee. No more than one registration fee per year shall be collected from any lawyer irrespective of the number of practice areas applied for and the fee shall be retained whether or not a given application is approved. The member shall certify that he or she is competent in the area of law covered by the practice areas (s) by virtue of experience and/or education.
- Section 2. Each member of the Service shall pay an annual registration fee of \$150.00 for each fiscal year of January 1 to December 31. However, the Committee may provide a reduced fee of \$75.00 for attorneys with 1 to 5 years of practice for their first year of membership in the Service, and a pro-rated fee for participation in the Service for less than a full year. Failure to timely pay the re-registration fee shall serve as a basis for de-registration with the Service. Re-registration may occur pursuant to standards established by the Committee.
- Section 3. The Committee shall establish preference panels in the fields of law as it shall determine. Preference panels now established by the Lawyer Referral & Information Service are as follows:

Administrative Law	Juvenile Court	Veterans
Appellate	Labor Law	Water Rights
Bankruptcy and Insolvency	Landlord-Tenant	Worker's Compensation
Civil Litigation	Military Law	Unclassified (Includes subjects not expressly covered by above categories, such as aviation, civil rights, environmental, juvenile court, mining, securities, unemployment compensation, and others)
Commercial Litigation	Oil and Gas	
Consumer (Debtor's Rights)	Personal Injury	
Corporation and General Business Law	Probate, Guardianship, Wills & Trusts	
Criminal Law	Professional Malpractice	
Family Law (Adoption and/or Dissolution)	Real Estate	
Insurance	Social Security & Welfare	
Immigration and Naturalization	Taxation	

- Section 4. All lawyers registered with the Service shall obtain from each person referred by the Service a signed disclaimer which provides:
- "A referral to an attorney who has indicated his or her willingness to accept cases in a particular area of law does not mean that the Lawyer Referral & Information Service sponsored by the State Bar of Montana, the State Bar of Montana or any agency or board has certified such lawyer as a specialist or expert in an indicated field of practice nor does it mean that such lawyer is necessarily any more expert or competent than any other lawyer. All potential clients are urged to make their own independent investigation and evaluation of any lawyer being considered."
- Section 5. Upon proof satisfactory to the Committee of a violation of any provision of these Rules of Operation, or of a failure to handle referred cases with reasonable professional competence and diligence, or if an attorney is not in good standing as defined in Article Three, Section 6 of these Rules of Operation, or of an inappropriate over-charging of referred clients (as established under the Fee Arbitration Rules or Commission on Practice), or by falsification of any material statement made to qualify for any panel or made in any required report, or of a failure to demonstrate proof of professional liability insurance, or of a failure to do any of the following: (a) pay the annual fee, (b) comply with all rules of the Service and/or maintain continuous eligibility, a panel member's name may be suspended upon written notification to the panel member of the reasons for the Committee's action. Said written notification shall inform the panel member that he or she has ten (10) days within which to request a hearing before the Committee.
- Section 6. An attorney who has been admitted to practice law in the State of Montana by the Montana Supreme Court shall be considered in good standing unless one or more of the following events shall occur:
- (a) Disbarment, suspension or interim suspension imposed by the Montana Supreme Court pursuant to the Court's Rules for Lawyer Disciplinary Enforcement.
  - (b) Suspension for failure to pay State Bar dues.
  - (c) Suspension for non-compliance with the Supreme Court's Rules for Mandatory Continuing Legal Education.
  - (d) Suspension for failure to pay Supreme Court's license fee.
- Section 7. Any panel member may withdraw from the Service.
- Section 8. A master file of registration records of all members of the Service shall be maintained by the Executive Director.
- Section 9. All lawyers registered with the Service shall agree to render professional services for each layperson referred by the Service upon the following basis:
- (a) Upon being retained, a written Attorney Retainer Agreement will be entered into with the client. The Agreement shall specify fees and costs to be incurred.
  - (b) Disputes as to fees shall be governed by the Fee Arbitration Rules of the State Bar of Montana. Panel members may not reject fee arbitration petitions submitted by clients referred through the Service.
- Section 10. No lawyer shall be registered with the Service unless he or she shall: agree to accept at least one (1) pro bono case (pro bono case shall be defined by the Committee) per year; warrant that he or she was not at any time during the preceding five (5) years prior to application either under suspension from practice or disbarment from the association or any other bar, or serving a sentence or been on probation for a crime acquire and maintain the minimum amount of professional liability insurance as set by the Committee, and waive liability and agree to indemnify and hold harmless the association and its members (and the Committee and its agents) from any claims, demands, actions, liability or loss which may arise from, or be incurred as a result of, the operation of the Service or referrals of clients to him or her through the Service, or the use of information contained in the registration form; agree that the information contained in the registration form may be furnished to applicants in the operation of the Service; agree that his or her name may be classified in the Service as the Committee shall direct; agree that his or her name may be withdrawn from any classifications of the Service at any time by the Committee.
- Section 11. These Rules shall become effective upon passage by the Board of Trustees (date\*). Referrals made prior to this date remain subject to fee-sharing as specified in the prior Rules.
- Section 12. The Committee shall establish a Modest Means Program. The purpose of the Modest Means Program is to increase access to justice by moderate-income citizens. The Committee shall oversee such program, and all Lawyer Referral & Information Service Rules of Operation apply to the administration of the Modest Means Program except the Rules addressing the registration fee contained in Article Three, Section 2.

#### **ARTICLE FOUR Amendments**

These Rules may be amended or repealed by the Board of Trustees of the association.

*Amended December 6, 2002*