



MEXICAN AMERICAN BAR ASSOCIATION LAWYER REFERRAL AND INFORMATION SERVICE STANDARDS AND RULES OF OPERATION

Amended By:

Lawyer Referral & Information Service Committee

July 3, 2014

Approved By:

Board of Trustees of the Mexican American Bar Association

July 9, 2014

LAWYER REFERRAL AND INFORMATION SERVICE

634 South Spring Street, Suite 902 · Los Angeles, CA 90014

For inquires or concerns, please contact LRIS Coordinator, Jazmin Vazquez

Phone: (213) 327-0620 Fax: (213) 327-0623

mabalris@gmail.com www.mabalris.org

STANDARDS AND RULES OF OPERATION

Table of Contents

| | |
|--|----|
| PURPOSE | 3 |
| ADMINISTRATION | 3 |
| ESTABLISHMENT OF PANELS | 5 |
| PANEL MEMBERSHIP REQUIREMENTS | 5 |
| PANEL MEMBER/CLIENT RELATIONS | 9 |
| MEMBERSHIP APPLICATION PROCEDURE | 10 |
| REFERRAL PROCEDURES | 11 |
| CASE STATUS REPORTS AND FEES | 13 |
| RESIGNATION, SUSPENSION AND REMOVAL | 13 |
| DISCLOSURE OF DISCIPLINARY ACTIONS | 15 |
| REMEDIES | 15 |
| QUALIFICATION STANDARDS FOR ADMISSION INTO PANELS | 15 |
| AMENDMENTS TO STANDARDS AND RULES | 16 |
| Appendix A | 17 |

RULE 1 PURPOSE

1.1 The purpose of the Mexican American Bar Association Lawyer Referral & Information Service ("LRIS") is to:

- (A) provide a way by which any person may be referred to a qualified, insured lawyer who is able and interested in rendering needed legal services;
- (B) provide general information about lawyers and the availability of legal services that will aid in the selection of a lawyer who has the required experience in a particular field of law;
- (C) provide referrals to consumer, government, and other agencies when appropriate;
- (D) provide referrals to attorneys, taking into consideration the type and complexity of the legal problem presented, as well as a person's financial circumstances, spoken language, geographical convenience and other requirements, pursuant to *State Bar of California Rule 3.826*;
- (E) provide a public service for the benefit of the public; and to
- (F) ensure that no person shall be deprived of the right to be referred to an attorney because of race, religion, country of origin, gender, color, age, sexual orientation, ancestry, disability, medical condition, marital status, political affiliation or veteran status.

1.2 Public Service Programs:

The LRIS is operated as a public service. In addition to providing referrals to private attorneys, the LRIS shall provide information about reduced fee and pro bono legal services and may establish such additional programs as are necessary and appropriate. For Clients seeking reduced fee or pro bono services through the LRIS, the LRIS may establish financial guidelines setting forth Client eligibility requirements, which may be periodically reviewed by the LRIS Committee. In addition, although not available at this time, MABA may establish a pro bono and/or modest means panel if MABA finds that it is in the public interest to do so. It may establish said panel for referrals from certain foreign consulates and/or other not-for-profit 501(c)(3) agencies. To receive referrals from these special panels, Panel Members will have to adhere to conditions of no charge for consultation and other conditions to be decided by the LRIS Committee. These conditions shall include, but need not be limited to, a minimum of eight (8) hours of free legal service after which the case becomes billable at normal rate and/or adheres to a cap on hourly fees to be determined by the LRIS Committee.

1.3 Subject Matter Panels:

- (A) The LRIS shall maintain such number and variety of subject matter panels as are necessary to effectively and efficiently serve client needs.
- (B) As required by *State Bar of California Rule 3.823* of the Minimum Standards for Lawyer Referral Services, at least twenty (20) 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 (4) members.

RULE 2 ADMINISTRATION

2.1 LRIS Coordinator and Staff:

- (A) The LRIS shall be administered by the LRIS Coordinator, who shall:
 - (1) be hired by the MABA Board and LRIS Committee or designated agents;
 - (2) be responsible to the LRIS Committee or its designee; and shall
 - (3) submit monthly administrative, operational and financial reports to the LRIS Committee.

- (B) It is the intent of the MABA Board and the LRIS Committee to preserve the integrity of the LRIS and to preclude any and all conflicts of interest. To this end, the LRIS Coordinator and LRIS **staff shall not be employees of, be married or related to any Panel Member**, or maintain any relationship with a Panel Member that would give the appearance of impropriety.
- (C) The signatories to any LRIS Account shall be the same signatories authorized by the bylaws of the MABA.

2.2

LRIS Committee:

The LRIS Committee is charged with the supervision of the LRIS, as provided in these Lawyer Referral and Information Service Standards and Rules of Operation (“Standards and Rules”).

- (A) The LRIS Committee shall consist of no less than five (5) and no more than seven (7) members, who shall be appointed as follows: The President of the MABA shall first appoint a Chair, who shall be a member of the MABA Board. The President shall also appoint two (2) additional members from the MABA at large. The President of the MABA may choose to use one of his/her appointments to designate one (1) public member, not a lawyer. The Chair of the LRIS Committee shall appoint the additional persons. The Chair shall appoint the Vice Chair from the members of the Committee. At least seventy-five percent (75%) of the LRIS Committee shall be active members of the State Bar of California, and no more than 50% of the LRIS Committee may be Panel Members. Members of the LRIS Committee shall be selected, to the extent possible, to fairly represent the diverse composition of the MABA, including minorities, women, lawyers in firms of various sizes, sole practitioners, public lawyers, and lawyers in various geographic areas.
- (B) The LRIS Committee shall meet at least quarterly. A quorum, consisting of a simple majority, shall be present in order to conduct all business. Decisions will be made by simple majority vote. Two (2) unexcused absences by any member may result in removal from the LRIS Committee. No proxy voting shall be allowed and the meetings shall be conducted in accordance with Robert’s Rules of Order. The LRIS Coordinator shall prepare meeting agendas for approval by the LRIS Chair for every LRIS Committee meeting. The LRIS Coordinator shall also take minutes at every LRIS Committee meeting.
- (C) The LRIS Committee shall instruct and supervise the LRIS Coordinator on all matters pertaining to marketing and public relations.
- (D) The LRIS Committee shall make, amend, or delete such rules and regulations for the conduct and operation of the LRIS, including standards for membership on special panels, as may be deemed necessary and proper. The LRIS Committee will then make a recommendation to the MABA Board for approval.
- (E) The LRIS Committee shall report regularly to the MABA Board. The LRIS Committee shall provide any information requested by the MABA Board.
- (F) The LRIS Chair shall present an Accounting Report at LRIS Committee and MABA Board Meetings, that shall include:
 - (1) all sources and amounts of income, expenses and reserves during the reporting period; and
 - (2) disposition of any reserves or surpluses derived from activities of the LRIS during the reporting period.

2.3

The MABA Board:

The duties and responsibilities of the MABA Board shall be:

- (A) to oversee the administration of the LRIS, including the establishment of a fee

- structure for the LRIS;
- (B) to review the operation of, and public response to, the LRIS;
- (C) to review the operating records required by the State Bar of California to be kept by the LRIS in accordance with the Minimum Standards for a Lawyer Referral Service of California.

2.4 Inspection of LRIS Records:

All LRIS records shall be available for inspection by the LRIS Committee and by the MABA Board. LRIS records shall be treated as confidential. All inspections shall take place at reasonable times, and in furtherance of carrying out the legitimate purpose of the LRIS and consistent with these LRIS Standards and Rules.

RULE 3 ESTABLISHMENT OF PANELS

- (A) The LRIS shall be operated through separate Panels of lawyers, and referrals under these Standards and Rules shall be made to one of those Panels. The LRIS Committee may establish requirements for qualification to such Panels for those areas of law and Alternate Dispute Resolution (ADR) that it deems necessary. Such Panel requirements shall be in compliance with the State Bar of California Rules pertaining to Certified Lawyer Referral Services. A Panel Applicant who is currently certified as a legal specialist by the California Board of Legal Specialization will automatically meet the experience requirements.
- (B) A simple majority vote of the LRIS Committee shall be necessary to adopt Panel requirements. The number of Panels shall be established by the LRIS Committee in conformity with Rule 1.3 of these Standards and Rules.
- (C) The requirements for each Panel shall be reviewed periodically by the LRIS Committee and amended as necessary and in conformity with the State Bar of California Rules.

RULE 4 PANEL MEMBERSHIP REQUIREMENTS

- 4.1 Panel Membership in the LRIS shall be on an individual basis only. It shall not extend to partnerships, professional corporations, associations or any other entity forms. Only an active member of the State Bar of California, practicing in the community served by the lawyer referral service, may be a member of the LRIS. To serve on a subject matter Panel, such a member must meet the experience and other substantial and objective criteria of the LRIS. 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. Panel Membership may not be contingent upon membership in a sponsoring entity.

Panel Membership:

- (A) "Panel" means the group of attorneys listed by the LRIS as being eligible to receive Referrals of legal matters in any of the Panels or Sub-Panels established by the LRIS.
- (B) "Panel Member" means any attorney listed by the LRIS as eligible to receive referrals of legal matters in any of the Panel or Sub-Panels. "Panel Membership" means the status of an attorney as a Panel Member. Each Panel Membership shall be effective until December 31st of each year.
- (C) An attorney who desires to be listed as a Panel Member shall submit an Application to the LRIS.
- (D) In evaluating Panel Applicants for Panel Membership, including Panel Applicants for renewed Panel Membership, factors that the LRIS will consider shall include, but not be limited to, the following:

- (1) the number of years the Panel Applicant has been admitted to the bar;
- (2) the Panel Applicant's experience in, and knowledge of, the particular area(s) of law applied for;
- (3) the number of matters that the Panel Applicant has handled in those areas of law;
- (4) the Panel Applicant's knowledge of and adherence to applicable ethics codes and rules;
- (5) the Panel Applicant's law office practices, including responsiveness to clients and handling of fee issues with clients;
- (6) the Panel Applicant's willingness and availability to provide half-hour office consultations to individuals referred by the LRIS, even if it is unlikely that fees will be generated; and
- (7) the Panel Applicant's willingness to abide by and comply with the LRIS Standards and Rules and to deliver legal services to clients in a manner consistent with the goals of the LRIS.

Panel Membership Renewal:

- (E) Each Panel Member who desires to have his or her Panel Membership renewed shall submit a Membership Application to the LRIS. In deciding whether to renew a Panel Member, the LRIS may consider the Panel Member's record with the LRIS, including but not limited to, his/her willingness to meet with referred clients, compliance with LRIS Standards and Rules, client-survey responses, and other relevant information.
- (F) Former Panel Members shall be required to submit a new application and follow the same procedure as new Panel Applicants. In evaluating applications from former Panel Members, the LRIS may consider the circumstances under which such Panel Membership ended.
- (G) Pursuant to these Standards and Rules, including but not limited to Rule 9, the LRIS has the discretion to:
 - (1) grant or deny any Panel Application for Panel Membership;
 - (2) renew or deny any existing Panel Member's application for renewal of Panel Membership; and
 - (3) remove any Panel Member from any Panel.
- (H) Each Panel Member acknowledges there is no assurance or guarantee that fee-generating referrals will result from Panel Membership.

Arbitration Requirement:

- (I) Each Panel Member agrees to submit any fee dispute with a Client to mandatory arbitration compliant with statute or State Bar of California requirements upon election of a client referred by the LRIS.

4.2

LRIS Governing Standards and Rules:

Each Panel Member shall agree to be bound by:

- (A) The MABA LRIS's Standards and Rules and any amendments thereto. Any amendments shall be approved by the MABA Board. Panel Members shall be notified of any amendments by the LRIS Coordinator within a reasonable time. The Amendments shall be made available to members upon request. Amendments will be effective thirty (30) days after the date of notification or as described in the notice.
- (B) The Minimum Standards and Rules of the State Bar of California for Lawyer Referral Services.

4.3 Disclosure of Information:

Each Panel Member shall:

- (A) allow the LRIS to disclose information contained in the Panel Application to persons referred through the LRIS, including past performances, when the information is accurate, complete, and not misleading;
- (B) provide the LRIS any information requested by the LRIS regarding the status of a Referral;
- (C) authorize the LRIS to contact any Client referred to the Panel Member to obtain information regarding the Referral;
- (D) advise the LRIS of any unavailable dates to receive referrals;
- (E) disclose to the LRIS any and all disciplinary action taken against the Panel Member; the nature of any completed disciplinary proceeding or disciplinary action taken by the State Bar of California or by the Lawyer Licensing Agency of any other State; and
- (F) notify the LRIS of any changes in contact information within thirty (30) days.

4.4 Membership Eligibility:

Panel Membership is extended to all active members of the State Bar of California practicing in the County of Los Angeles. Attorneys not licensed to practice in the State of California, even if they are licensed to practice in other states, cannot be LRIS Panel Members. Membership in the MABA shall not be a requirement for Panel Membership in the LRIS. To be eligible for membership in the LRIS, a Panel Applicant must:

- (A) agree to all provisions of the LRIS's "Application & Agreement for Membership";
- (B) meet the qualification standards for all Panels and Sub-Panels for which the Panel Applicant has applied and for which the Panel Member is currently a member;
- (C) abide by the current Rules of the LRIS;
- (D) not have been removed from the LRIS for a violation of these Standards and Rules within the proceeding 2 years;
- (E) not be currently suspended by the State Bar of California; and
- (F) not have been convicted of any crime involving moral turpitude.

Any applicant may be refused membership or continuing membership in the LRIS upon failure to meet any one or more of the requirements set forth herein.

4.5 Panel Member Insurance Requirements:

Each Panel Member shall:

- (A) maintain an insurance policy which includes professional errors and omissions in an amount not less than \$100,000 per occurrence with a \$300,000 annual aggregate pursuant to California Business and Professions Code 6155(f)(6) as may be amended;
- (B) provide the LRIS with proof of insurance at the time of Panel Membership Application or renewal thereof; and
- (C) notify the LRIS of any change in coverage or change of insurance carrier.

Any Panel Member who does not comply with the insurance requirements set forth above, or who does not have on file with the LRIS a copy of a valid declaration page shall be automatically removed from the rotation and may be suspended from the LRIS.

4.6 Panel Membership Processing Fees:

Application to the LRIS shall consist of a Processing Fee and a Membership Fee. Fees may be set at the discretion of the LRIS Committee, with the approval of the MABA Board, on a calendar year basis.

(A) Processing Fee:

- (1) The Processing Fee shall be an annual fee charged to each Panel Applicant for the processing of the Membership Application. The Processing Fee shall be submitted with the LRIS Membership Application and Agreement, along with an Application and Qualifications Standards form for each Panel the Panel applicant is applying to.

(B) Panel Membership Fee:

- (1) Each Panel Member or Panel Applicant shall refer to the LRIS Membership Application and Agreement to ascertain the annual non-refundable membership fee.
- (2) Panel Membership Renewal and fee become due and payable on January 1 of each year. If said fee is not received by January 15, no further Referrals will be made to the Panel Member.
- (3) Under special circumstances and with good cause, the annual Panel Membership Fee may be partially or totally waived by the LRIS Committee.
- (4) The LRIS Committee may prorate the membership fee.
- (5) The LRIS Committee may assess a reasonable separate membership charge to non-members of the MABA.

4.7 Consultation Fee:

There shall be no consultation fee charged to Clients for their initial Consultation with the Panel Member. The LRIS Committee may amend these Standards and Rules if it determines that a nominal consultation fee becomes necessary.

4.8 Referral Fees:

Each Panel Member shall pay to the LRIS a Referral Fee of **fifteen percent (15%)** of any and all attorney fees received (costs excluded) from all matters referred by the LRIS to such Panel Member. This constitutes an enforceable agreement between the LRIS and the Panel Member. This fifteen percent (15%) is due and payable even if other counsel is associated into the case. Referral Fees are due within thirty (30) days of receipt by the Panel Member. Referral Fees shall include fees:

- (A) generated by any lawyer, other than the Panel Member to which the referral was initially made, whether or not the Panel Member is still active on the case;
- (B) relating to legal representation or legal services in an area of law other than the area of law of the Panel Member or other than the Panel to which the referral was initially made; and
- (C) generated on the referred case after the Panel Member ceases to be a Panel Member of the LRIS.

4.9 General Fees and Reporting Requirements:

Each Panel Member hereby agrees and promises to:

- (A) promptly (within thirty (30) days) complete and return, with any payment due, each referral statement, billing statement, and Case Status Report to the LRIS;
- (B) hold in trust that portion of all fees collected by the Panel Member which are due the LRIS pursuant to the current Standards and Rules;
- (C) notify the LRIS upon settlement of any referred case;
- (D) provide the LRIS with the terms of settlement, including attorney fees awarded in the case;
- (E) protect the LRIS' ability to review the client file, regardless of any confidential

- settlement agreements; and
- (F) pay interest at the rate of 10% per annum on all amounts past due and owed to the LRIS.

Subpart (B) shall not apply to Panel Members who are not required to have an attorney-client trust account pursuant to State Bar of California Rules and Regulations and applicable law.

4.10 Auditing of Panel Member Records:

All Panel Members shall make available for audit, upon request of the LRIS, all office files, records, accounts, ledgers and other records, related to the LRIS, of any matter referred by the LRIS. All documents, files, communications, and materials reviewed during an audit shall be considered and treated as confidential and shall be available for inspection only by members of the LRIS Committee and the MABA Board.

4.11 Indemnification and Attorney's Fees for Enforcement of LRIS Standards and Rules:

The LRIS Committee shall determine the appropriate action to be taken for the collection of any monies due the LRIS. The LRIS has the option to send outstanding past due accounts to Small Claims Courts or to an independent collection attorney for legal action.

Each member shall agree to:

- (A) indemnify and hold harmless the LRIS, the LRIS Committee, the MABA, and all of their officers, directors, members, employees, and volunteers from any and all loss, expense and liability, including the cost of defense and reasonable attorney's fees, which may arise from or be related to the Panel Member's participation in the LRIS; and
- (B) pay the LRIS reasonable attorney's fees and costs in any action or proceeding brought to enforce any provision of these Standards and Rules.

4.12 Publicity:

- (A) No Panel Member shall be permitted to use the LRIS name or logo without prior written consent from the LRIS Committee.
- (B) Panel Members shall not participate in, or allow, any advertising or other promotional activity that refers to the Panel Member's membership in the LRIS, unless such materials or promotional activity has been approved in writing in advance by the LRIS Committee.

RULE 5 PANEL MEMBER/CLIENT RELATIONS

- (A) Compensation for any additional consultation services beyond the initial Consultation must be agreed upon by the Panel Member and the Client before the Client is charged any additional fee. Written fee agreements must be used for all matters in which the Client is charged a fee in addition to the initial free Consultation.
- (B) Membership in LRIS is made on behalf of the Panel Member, and not on behalf of a firm, partnership or any other business association. If the Panel Member is in a partnership which customarily provides joint legal services, the Panel Member's partners may perform a portion of the legal services provided that:
 - (1) the referred client agrees;
 - (2) if the partner is performing substantive, non-routine tasks, the partner shall also be a Panel Member of the LRIS; and
 - (3) The partner complies with these Standards and Rules. It is each Panel Member's responsibility to assure that reasonable and competent attorney services are provided at that Panel Member's standard fee. Each Panel Member

must also assure proper and accurate reporting to the LRIS and remit payment of all fees due to the LRIS in accordance with the LRIS Standards and Rules.

- (C) Panel Members shall not charge any additional or increased fees for the purpose of compensating for the percentage fee due to the LRIS.
- (D) If a Panel Member cannot provide any or all of the legal services needed by the Client, such Panel Member is required to notify the Client and refer the person back to the LRIS so that services may be provided by another Panel Member.
- (E) A Panel Member will schedule an appointment for the client as soon as possible after a request is made by the Client or LRIS staff. A Panel Member may not screen the referrals, at the time the referral is made, in order to identify cases that appear to have less potential for legal fees.
- (F) A Panel Member will proceed with due diligence and will not neglect any matter referred by the LRIS. A Panel Member will diligently strive to return all phone calls within twenty-four (24) hours of the Client's call.
- (G) A Panel Member will treat each referred Client with consideration, civility, and respect.
- (H) A Panel Member will notify the Client at the outset of representation that a portion of the fees are payable to the LRIS and that the LRIS is entitled to:
 - (1) be informed of the fees received by the Panel Member; and
 - (2) audit the file to determine if the LRIS has received the appropriate fees.

Upon the settlement of any referred case, the Panel Member shall notify the LRIS and provide the LRIS with the terms of the settlement, including attorney fees paid in the case, whether paid directly by another party or any settlement proceeds, so that the LRIS may determine the referral fee to which the LRIS is entitled. Panel Members are recommended to follow *California Rules of Professional Conduct, Rule 2-200*.

Client Questionnaire:

- (I) The LRIS shall communicate with Referred Clients by distributing Client questionnaires to all Clients. The LRIS may also contact Clients and initiate other reasonable actions with regard to any Panel Member who the LRIS Committee suspects is over-charging Clients, servicing Clients at a substandard level or is otherwise in breach of these Standards and Rules.

RULE 6 MEMBERSHIP APPLICATION PROCEDURE

6.1 Membership Application Forms:

Application for membership in the LRIS shall be made in writing on forms provided by the LRIS. A Processing Fee shall be charged for each LRIS Membership Application. The Membership Application shall require the Panel Applicant to show compliance with the current Application and Qualifications Standards for each Panel Membership.

6.2 Complete Applications:

Panel Applicants shall not be considered for membership until their application is complete, as determined by the LRIS Committee.

6.3 LRIS Committee Review of Application:

A Panel Applicant's completed Membership Application shall be initially reviewed by the LRIS Committee to determine compliance with all general eligibility rules and qualifications for that particular Panel.

- (A) The State Bar of California will be notified of the Panel Applicant's intention to apply for membership. The State Bar of California, under its own criteria, may recommend

that any Panel Application be denied membership.

- (B) If the LRIS Committee determines that there is compliance with all general eligibility rules and qualifications for a particular Panel, the Panel Applicant shall be accepted as a member of the LRIS.

6.4 LRIS Committee's Review of Qualifications:

In its sole discretion, the LRIS Committee may request that the Panel Applicant furnish additional information relevant to the Panel Applicant's eligibility or qualifications for the Panel to which he/she is seeking membership. The LRIS Committee may also seek further substantiation and independent verification of any response by the Panel Applicant. Any such request shall be made in writing by the LRIS Committee. The LRIS Committee shall conduct further investigations and require further information bearing upon the responsibility, capability, character, and integrity of any Panel Applicant or current Panel Member, as the LRIS Committee deems appropriate and necessary.

6.5 Written Notice of Denial/Appeal Process:

If a Panel Applicant has been denied membership or admission to a Panel, a written Notice of Denial explaining the reasons shall be sent by the LRIS Committee to the Panel Applicant. The Panel Applicant may appeal this decision to the MABA Board in writing, no later than thirty (30) calendar days following the date on the "Notice of Denial". The MABA Board will review the appeal within sixty (60) days of receipt of the appeal. Any decision by the MABA Board shall be final.

6.6 Written Notice of Approval/Payment of Membership Fee:

- (A) If a Panel Applicant has been approved for membership to a Panel, a written Notice of Approval shall be sent to the Panel Applicant. The membership fee shall be remitted to the LRIS within thirty (30) calendar days of the Notice of Approval.

6.7 Confidentiality:

All communications, deliberations and records of the LRIS Committee's review and appellate activities shall be confidential. However, these records shall be available for inspection by the Panel Applicant and by the MABA Board.

RULE 7 REFERRAL PROCEDURES

7.1 LRIS Procedures:

The following Referral procedures shall be employed by the LRIS:

- (A) unless otherwise agreed by the LRIS Committee and the MABA, prospective Clients shall not pay a Consultation Fee for LRIS services. Prospective Clients shall be provided an initial half hour Consultation with the Panel Member to whom they are referred. The Panel Member shall not be required to prepare letters or any legal documents, or to place telephone calls;
- (B) all prospective Clients shall be referred to a Panel Member on a rotation basis consistent with Rule 1.1 (D) of these Standards and Rules;
- (C) if a Panel Member fails to make an appointment for an initial Consultation with a prospective Client within five (5) business days (unless the prospective Client is unavailable or agrees to a longer period of time), said failure will be considered a refusal of the Referral. The refusal shall be recorded and shall be treated and count as a Referral for purposes of the LRIS rotation process; and
- (D) all Referrals shall be made without regard to race, color, age, religion, natural origin, language, gender, sexual orientation or disability.

7.2

Panel Member Handling of Referrals:

Each Panel Member agrees to employ the following Referral procedures:

- (A) accept all Referrals for a free half hour initial Consultation;
- (B) notify and refer back to the LRIS any prospective Client who will not be represented by the Panel Member, by faxing or emailing back the Referral Form to the LRIS Coordinator within two (2) business days from the time the Panel Member reached this conclusion;
- (C) discuss with the prospective Client, in advance, any fees for additional time or services beyond the initial half hour Consultation. Any additional services to be performed, or additional fees to be charged to the prospective Client, must be clearly discussed and understood between the Panel Member and the prospective Client. A written fee agreement outlining the work to be performed, and the basis for the fee, must be signed by the prospective Client before he/she is charged any fees;
- (D) personally perform the legal services or directly supervise and be responsible for the quality of services performed by an attorney working under the Panel Member's direct supervision, *See LRIS Standards and Rules 5(B)*; and
- (E) provide services without regard to prospective Client's race, religion, country of origin, gender, color, age, sexual orientation, ancestry, disability, medical condition, marital status, political affiliation or veteran status, and with consideration, civility, and respect and strive to conduct him or herself at all times with the same dignity, courtesy and integrity shown to non-LRIS clients.

7.3

Exception to Rule 7.2: Associating in or Referring to Other Counsel:

A Panel Member may associate in or refer a retained Client to another attorney as follows:

- (A) if after undertaking representation of a Client referred by the LRIS, a Panel Member determines in good faith that the Client's best interests would be served by referring the matter to or associating in a particular attorney having special expertise in a relevant field, the Panel Member **must** first consult with the LRIS, **before** associating or retaining such counsel, to attempt to identify and retain another Panel Member who has the requisite expertise and is acceptable to the Panel Member and Client;
- (B) If the Panel Member and the LRIS are unable to identify any other qualified Panel Member acceptable to the Panel Member and the Client, the Panel Member and the Client shall be entitled to refer the matter or associate in other counsel of their choice. Such other counsel shall meet all requirements of the State Bar of California's "*Minimum Standards*" and these LRIS Standards and Rules. The Panel Member shall continue to be responsible for all reports due, information requested, and percentage fees owed the LRIS, based on total legal fees collected. The Panel Member shall obtain from other counsel a written agreement to be governed and bound by these LRIS Standards and Rules. The Panel Member shall notify the LRIS of the new counsel's name, address, and the fee arrangements made. The Panel Member shall submit a copy of the agreement between the Panel Member and the associated counsel to the LRIS within forty-five (45) days from the signing of said agreement. The Panel Member agrees and understands that the LRIS shall pursue any action, consistent with these Standards and Rules, against the Panel Member and/or the associate counsel, to recover the fees owed to the LRIS for the Referral to the Panel Member.
- (C) Any association agreement in either (A) or (B) listed above, must meet the requirements set forth in *California Rules of Professional Conduct, Rule 2-200*.

RULE 8 CASE STATUS REPORTS AND FEES

8.1 Monthly Case Status Reports shall be sent to each Panel Member requesting the status of each Referral. This report must be completed and returned to the LRIS Coordinator within fourteen (14) days from the date on which it was sent to the Panel Member. All cases, including closed cases, and amounts collected must be reported. The Panel Member must remit any monies received since the prior Case Status Report.

8.2 If a Panel Member fails to submit a monthly Case Status Report within thirty (30) days, a second Case Status Report will be sent. Failure to comply fully with a second Case Status Report **within fifteen (15) days may result in removal of the Panel Member from rotation in all Panels, unless other arrangements have been made with the LRIS.**

RULE 9 RESIGNATION, SUSPENSION AND REMOVAL

The LRIS Committee is authorized to review the quality of legal services provided by the Panel Members as described in these Standards and Rules, and shall have the power to consider taking action against any Panel Member as provided in Rule 9.

9.1 Resignation or Withdrawal from the LRIS by Panel Member:

Any Panel Member may, at any time, withdraw his/her name from participation in the LRIS upon five (5) business days written notice to the LRIS. In such circumstances, the Panel Member must discharge his/her obligations to those Clients who have previously been referred and must remit any fees due the LRIS on previously referred cases. The attorney shall be obligated to follow these Standards and Rules for any “Active Cases” or matters referred by the LRIS.

9.2 Automatic Withdrawal and Removal:

A Panel Member shall be automatically withdrawn from rotation and removed from the LRIS if the Panel Member has been suspended, disbarred or has resigned from the State Bar of California. A removal under this section is non-appealable.

9.3 Discretionary Withdrawal and Reinstatement:

The LRIS may withdraw a Panel Member from rotation in the following circumstances:

- (A) annual Membership, Referral or Processing Fees become more than sixty (60) days past due;
- (B) reports and forms due to the LRIS, including all requested information, are more than sixty (60) days past due; or
- (C) the Panel Member fails to submit a copy of the declaration page of the Panel Member’s errors and omissions insurance policy within the time period required, upon notice from the LRIS.

Any Panel Member, who has been withdrawn from rotation pursuant to this rule, may be reinstated to the LRIS after payment of all fees and submission of all required materials. The LRIS Committee may deny the Panel Member’s request for reinstatement and elect to continue the withdrawal after providing the Panel Member with written notice thereof. Any such continuance of withdrawal will be deemed a suspension from the LRIS, which may be appealed.

9.4 Discretionary Suspension or Removal:

Any Panel Member may be suspended or removed from the LRIS by the LRIS Committee for

good cause. Good cause includes, but is not limited to, the following:

- (A) indictment on or conviction for a criminal charge involving moral turpitude;
- (B) falsification of any material statement made to qualify for the LRIS or made in any report required by the LRIS;
- (C) failure to permit the LRIS to inspect the Panel Member's records pursuant to these Standards and Rules;
- (D) failure to maintain eligibility and qualifications under these Standards and Rules;
- (E) failure to handle LRIS cases with professional competence and diligence;
- (F) failure to comply with the State Bar of California Act or Rules of Professional Conduct;
- (G) charging fees to clients referred by the LRIS which are in excess of fees authorized by law;
- (H) repeated rude or abusive conduct to LRIS clients and/or staff; or
- (I) repeated failure to comply with LRIS Standards and Rules, including repeated violation of Rule 9.3 above.

The duration of the suspension shall be determined by the LRIS Committee. A decision by the LRIS Committee to suspend or remove a Panel Member may be appealable.

9.5 Notice to Panel Member:

If a Panel Member is withdrawn, removed or suspended from the LRIS pursuant to Rules 9.2-9.4 above, the Panel Member shall be notified in writing within ten (10) business days of the LRIS Committee's action and the reasons therefore.

9.6 Appeal from Suspension or Removal:

- (A) A Panel Member may appeal any suspension or removal by providing a signed Notice of Appeal to the LRIS within thirty (30) days of Notice of Suspension or Notice of Removal from the LRIS Committee. If a Panel Member wins the appeal, the Panel Member shall be automatically reinstated.
- (B) If a Panel Member fails to appeal any suspension or removal, the suspension or removal shall remain in effect. The Panel Member shall be automatically reinstated after serving his/her suspension.
- (C) If the Panel Member loses the appeal of a suspension or removal, the suspension or removal shall remain in effect. The Panel Member shall be automatically reinstated after serving his/her suspension.
- (D) Any Panel Member who is suspended from the LRIS two (2) times within a three (3) year period or a total of four (4) times, pursuant to these Standard and Rules, may be removed from the LRIS.
- (E) An appeal decision shall be final.

9.7 LRIS Committee Appeals Procedure:

- (A) Upon the timely filing of a Notice of Appeal, the matter shall be referred to the LRIS Committee for a decision.
- (B) The LRIS Committee shall review and render a decision within thirty-five (35) days of the filing of a Notice of Appeal.
- (C) All appeals shall be reviewed and investigated by the LRIS Committee.
- (D) If LRIS Committee members vote to remove the Panel Member, the LRIS Committee shall then make a recommendation to the MABA Board for final approval. Any other disciplinary decision by the LRIS Committee does not require MABA Board approval.

9.8 Confidentiality:
The LRIS Coordinator and other staff shall sign a Confidentiality Agreement. All communications, deliberations and records of the LRIS Committee's appellate activities shall be confidential, provided, however, that the LRIS Committee may report to the State Bar of California any violation by a Panel Member of these Standards and Rules, or any possible violation of the State Bar of California Act or the Rules of Professional Conduct.

9.9 Additional Rules:
The LRIS Committee shall have the authority to implement additional rules and procedures necessary to carry out the intent of these Standards and Rules.

RULE 10 DISCLOSURE OF DISCIPLINARY ACTIONS

10.1 In compliance with *Civil Code 43.95 (a) and (b)*, the Panel Member shall disclose to the LRIS and the Client any disciplinary actions which may have been taken against him/her. The LRIS shall adhere to the Minimum Standards for a Lawyer Referral Service in California, including reporting and record keeping procedures pursuant to which the LRIS may disclose a Panel Member's past performance when the information is accurate, complete and not misleading.

RULE 11 REMEDIES

11.1 Nothing in these Standards and Rules shall be deemed to limit or otherwise affect the rights of the LRIS to pursue any or all of its legal remedies to enforce these Standards and Rules, including but not limited to, legal, equitable or other action to obtain payment of any sums payable to the LRIS. In the event any action is instituted by the LRIS to enforce any of the terms and provisions contained in the Standards and Rules, the LRIS shall be entitled to reasonable attorneys' fees, costs, and expenses. Failure of the LRIS to enforce any Rule at any time shall not be deemed a waiver of the LRIS's rights under these Standards and Rules.

RULE 12 QUALIFICATION STANDARDS FOR ADMISSION INTO PANELS

12.1 Applicants for LRIS membership shall apply to the Panel(s) for which they are eligible. Applicants shall certify that they meet the minimum standards for each such Panel on forms to be supplied by the LRIS Committee.

12.2 The LRIS Committee reserves the right to request from any Panel Applicant documentation and particulars concerning any aspect of the application. Said documentation may include, but is not limited to, case numbers, hours, agencies, disposition, or other matters referred to in these Standards and Rules, or in the Minimum Standards for Lawyer Referral Services of the State Bar of California.

12.3 Request for Emption:
Any Panel Applicant who does not meet the qualifications and experience requirements may request admission to any Panel upon a showing of equivalent experience, special post bar admission education, special pre bar admission experience (such as clinical programs, certified law student experience, paralegal employment experience), or any other educational or employment history which may serve to qualify the applicant. The LRIS Committee will review, on an individual basis, such showing of experience for possible exceptional cases. Scholarly publications in a given field shall not in and of themselves qualify an applicant for admission to a Panel, absent substantial or equivalent experience factors.

12.4 A Panel Member may not belong to more than three Panels at any given time. However, there

shall be no limit to the number of Sub-Panels to which a Panel Member may belong.

RULE 13 AMENDMENTS TO STANDARDS AND RULES

These Standards and Rules may be amended from time to time by a majority vote of the LRIS Committee, and approval by the MABA Board. Any amendments to these Standards and Rules shall be distributed to all LRIS Panel Members upon their adoption.

Appendix A

ATTESTATIONS

- (1) I certify that I am a member in good standing of the State Bar of California and I regularly practice law and have an office for such practice in the County of Los Angeles.
- (2) I waive confidentiality for the State Bar of California to notify the LRIS of the status of any disciplinary proceeding pending against me. I understand the LRIS staff, in compliance with Civil Code Section 43.95, has the duty to disclose to the public the nature of any disciplinary actions which may have been taken against an attorney accepting referrals from the LRIS.
- (3) I certify that I have not been suspended by the State Bar of California.
- (4) I agree to notify the client at the outset of representation that a portion of the fees are payable to the LRIS, and the LRIS is entitled to:
 - (A) know the outcome of any legal representation;
 - (B) know the attorney's fees received; and
 - (C) audit the file to determine if it has received the appropriate amounts.
- (5) I agree to indemnify and hold harmless the LRIS, the LRIS Committee, the Mexican American Bar Association and all of its officers, directors, members, employees, and volunteers from any and all claims, demands, actions, liability or loss, including but not limited to costs of defense including reasonable attorney's fees, which may arise from, or be related to my participation in the LRIS.
- (6) I understand that my appointment to and continuance as a member of any of the LRIS panels is subject to the approval and discretion of the LRIS Committee in accordance with the LRIS Standards and Rules.
- (7) I acknowledge I have been provided a legible copy of the State Bar Rules pertaining to Lawyer Referral Services.

Revised 7/3/2014