

PROCEDURAL HANDBOOK
FOR
LAWYER REFERRAL PANEL MEMBERS

King County Bar Association
1200 5th Avenue, Suite 600
Seattle, Washington 98101

June 2007

Procedural Handbook for Lawyer Referral Members

The Lawyer Referral has extensive rules and procedures for the operation of the service. We hope that you have read those rules, but are providing you with condensed information to make your day-to-day participation easier.

Contents

- I. Becoming a Panel Member
 - Reasons for Our Requirements
 - Panel Experience Forms
 - Information About You

- II. The Referrals
 - The Referral to Your Office
 - Contact with the Client
 - Process with the Referred Client
 - If You Are Unable to Assist the Client

- III. Forms and Other Paperwork
 - E&O Declarations Page
 - Confirmation Form
 - Quarterly Case Status Reports/10% Fees
 - Fee-Sharing Review Audit

- IV. Your Availability

- V. Client Feedback
 - Satisfaction Questionnaire
 - Complaint Process

- VI. Potential LRS Sanctions
 - Temporary Inactivation
 - Suspension From Panel
 - Permanent Removal

- VII. Sample Forms
 - Referral Confirmation Form
 - Case Summary Questionnaire
 - Client Complaint Form
 - Client Satisfaction Questionnaire

I. **Becoming a Panel Member**

You may become a member of the Lawyer Referral whether or not you are a King County Bar member, but it is cheaper for members. We check the WSBA roster to see if there has been any discipline—discipline less than suspension does not automatically keep you from joining LRS, but the oversight Committee will review the situation and may possibly deny your registration.

We have members in Snohomish and Pierce Counties as well as King County, and some have had good success with their membership since we receive calls from potential clients who live or have cases in those counties.

Reasons for Our Requirements. You will have noticed that we have a number of specific requirements, such as the amount of E&O insurance, and panels that require certain experience. There are two main reasons for these requirements. The primary reason is to better ensure good quality service for referral clients and, therefore, a good reputation in the community. Having a good reputation is good for referrals, as many of our callers hear about us by word of mouth. We also must meet certain requirements, such as requiring the E&O insurance and having experience requirements for a number of panels, in order to receive certification from the ABA. We use that certification in our marketing materials.

The requirement for professional office availability is to ensure that our members present a professional appearance to the clients.

Panel Experience Forms. We have experience requirements for the majority of our panels. LRS received assistance from very experienced practitioners in developing these standards. We do not aim at unreasonably restricting the panels, but rather try to set a learning curve standard so that we have confidence that the attorneys are competent to handle certain matters. We do wish to continue to have some panels available to newer attorneys. The experience forms will be sent when you request to be on those particular panels, and they may be submitted at any time you believe that you meet the requirements.

Information About You. We like to have as much information as possible about our panel members because we find that callers are increasingly demanding to know about the qualifications of the referral attorneys. If you have any awards, special accomplishments, or additional education that might persuade a caller to take the referral, we put it into the database where the intake staff has access to it for the potential client. We also enter information from your resume, if we have it, so that a caller can learn about past experience that would be relevant to the client's circumstances.

All the consumer information floating around tells those seeking legal representation to ask lots of questions about attorneys prior to hiring them. Our

information will not replace in-person interviews, but it gives the potential clients more confidence in our referrals.

II. The Referrals

Clients receive referrals from LRS by calling the intake line or submitting a request on the web site. Intake staff screen the callers to see if they are appropriate for referral to panel members. We are not, unfortunately, 100% accurate; sometimes a referral slips through that should not have been referred. In addition, our intake interviewers are not attorneys and cannot judge the merits of a case so as long as the circumstances have a rational appearance of a potential fee-generating case, we make a referral. We refer callers with small damages matters to Small Claims Court, and many callers who are either fuzzy about the issues, or clearly low income, to the Neighborhood Legal Clinics for advice.

The Referral to Your Office. The referrals are made on a rotating basis for each panel, taking into account the geographic and language requests of the caller. We do not refer on the basis of gender, ethnicity, religion, etc.

After the LRS intake staff member has given the potential client your name and phone number, she may transfer the client directly to your line if the client wishes. In any case, she will send an e-mail confirmation form to your office when making the referral, so that when you get a new call you may check your e-mail to see if the person is referred from LRS.

This confirmation form includes the client's name and contact information, the type of case it appears to be, and possibly a few comments about the case or client made by that staff person.

Contact with the Client. Usually the client calls you to make arrangements for a consultation. Now, since the 2006 amendments to the Rules of Professional Conduct, you may also call the client prior to the client calling you [see Rule 7.3(A)(3)]. Please return client calls promptly, or have an assistant return the call. We get frequent complaints that the attorney has not returned a call for several days.

We prefer that you schedule the half hour consultation with the client in your office, but we realize that in some instances that will not be possible. The client has been promised a half-hour consultation with you (not your paralegal), so unless a different referral would be best for the client, you should be prepared to schedule the client for a half hour consultation.

Initial Process with the Client. We collect a \$35 consultation fee from the client up front by credit card or money order, except in personal injury, workers compensation, SSI/SSD, or criminal defense cases. This is an administrative fee that helps pay the cost of the program, and entitles the client to that half hour consultation with the referred attorney and, if necessary, a total of three attorney names. You may not charge for this half hour, but may charge your regular rates

thereafter. If your normal practice is to give an hour free consultation, then we hope that you will do this with the LRS client as well.

If You Are Unable to Assist the Client. If the client seems to have a meritorious case, but you cannot assist that client because of time pressures, a conflict, or other reason, please refer that caller back to LRS for another referral.

However, if the client does not have a meritorious case, please do not refer back to LRS, but inform the client of the reasons you do not think the case has legal merit. (Some may call us back anyway, but please don't encourage it.)

If someone in your office who is not on LRS will handle the case, we will retain it as active in your records and you will be responsible for seeing that the 10% fee sharing is paid. If the other attorney is on LRS, we will just transfer the client to that attorney. If you associate someone outside of your office, the 10% is still due on the whole fee.

III. Forms and Other Paperwork

Proof of Insurance. You will have noted that we requested a copy of your declarations page from your errors and omissions insurance. We will automatically send a reminder for an updated page at the time your policy expires.

Referral Confirmation Form. At the time the referral is made, we will e-mail a confirmation form with the client's name, type of case, and any comments the intake interviewer feels are helpful. Because we send them by e-mail, you should be able to tell if a new caller is a referral from LRS even if the client forgets to mention it.

When you know the outcome of the referral (no show, just a conference, or a retained case, etc.) we ask that you send (mail, fax, or e-mail) the form back to us with the relevant outcome checked, so that we may keep the database up to date. We may hold a case with no client contact in the open mode for a couple of months, in case the client does call you later, but if you indicate that you will definitely not be providing services, we will close it in the records upon receiving that information.

Quarterly Case Status Report and 10% Fees. Each quarter, we send a report to you with all the cases that are open or for which we are awaiting information. This form includes a record of the client payment of \$35 and any 10% fees that you may have already paid on an ongoing case. It requests an update of fees collected, payment if any 10% is owed, and the current status of the case.

We ask that you send the 10% payments owed only with this report (not each time you receive fees) and indicate the specific amount for each client, so that our records are accurate. Remember, if the total fee is \$300 or less, no 10% is owed, but if the fee is more than \$300, the 10% is owed on the whole fee. If we

do not receive the quarterly report in a timely fashion, we may inactivate you in the rotation, after a warning, until we receive it.

Fee Sharing Review Audit. If we have reason to fear that a member is not complying with the fee-sharing rule, the Committee may, pursuant to Rule VIII of the LRS rules, review the office files and billing records of the member's LRS referred cases.

IV. Your Availability

When you are active in our rotation, we expect that you are generally available for new clients. We ask that you please return the client's call within one business day, or have an office staff member return the call and schedule an appointment.

If you are in trial or on vacation, or otherwise will be unavailable for three days or more, please let us know (call 206-267-7044) so we can temporarily inactivate you until the date you expect to be available again. We can give better service if the caller is able to meet with the referred attorney within a reasonable time. In addition, we find that if the attorney is not available within a reasonable time, often the client is upset with the service and does not want another LRS referral. Sometimes potential clients will call and request a refund of the \$35 consultation fee because no attorney (we give them up to three, sequentially) has returned a call. That is a client lost to a referral panel member.

V. Client Feedback

We get both formal and informal feedback from clients. Some call in with a minor complaint, some even call with a compliment.

Satisfaction Questionnaires. LRS sends client satisfaction questionnaires to a random selection of clients about twice a year, and to clients whose cases have been closed. The client may comment on both the LRS staff service and on the attorney. We get very few of these returned, even though we send a business reply envelope, although sometimes we get constructive comments. We ask how they feel about the service and how much they paid the attorney if a case was opened. This is a rather haphazard check on whether or not attorneys are reporting fees earned from LRS clients and paying the 10% fee sharing.

Complaint Process. We have complaint forms for clients who are unhappy enough to make a formal complaint. We inform the client that if they feel professional discipline is warranted, that they need to contact the WSBA, since our only power is over the LRS membership. We also inform them of the WSBA fee arbitration and mediation process.

We require the client to give us a release to contact you, so that the Committee can receive full information about the incident giving rise to the complaint. After we collect the information, the committee reviews it and makes

a decision. There is an appeal process for the attorney if the Committee decision is to remove the attorney from the panel (see rule VII in the LRS Rules and Procedures).

We may receive between four and six formal complaints a year. The most frequent complaint is the client's perception that the attorney is not communicating with him or her. Often some of the complaints do not even warrant the Committee's involvement.

VI. Potential LRS Sanctions

Temporary Inactivation. If you are delinquent in returning reports to LRS, or fail to comply with other procedural requirements, we may inactivate you until such time as you have complied.

Suspension From Panel. If, in reviewing a formal complaint or your compliance with the rules, the oversight committee feels that any of the reasons for removal listed in Rule VI exist, you may be suspended from the panel for a time certain or until the committee determines that we can again feel confident in making referrals to you.

Permanent Removal. If you have been suspended by the WSBA for a reason other than purely administrative (i.e., dues or CLE credits), the Committee will obviously remove you from the panel, and consider whether this suspension should permanently bar you from the panel even after reinstatement by WSBA. The LRS may also remove a panel member permanently for actions deemed by the Committee to put clients or the LRS at risk.

VII. Notes on Forms

The *Referral Confirmation Form* is pretty self-explanatory. We ask you to return it to us as soon as you know what the disposition will be, so we can update our records. For a “no contact” return from you, the case may show up on your next case summary questionnaire just in case the client did appear later. For criminal defense referrals, the form will show that the client has paid a \$35 administrative fee—this fee is no longer required of these clients, but we have been unable to remove it from the template forms.

The *Case Summary Questionnaire* is sent quarterly and reflect the cases we show as open, or the status is not yet determined. This form is not organized in the best way, and we have asked the programmer to change some of it, but so far have had no luck.

The first four columns are generated from the database and show the referral number, date of referral, client name as we have it, and the type of case. The rest of the columns are for you to update us. The “Paid to Date” column is the most confusing, as it records both any client consultation fee of \$35 paid to us by credit card and any 10% fees paid by you.

The *Client Satisfaction Questionnaire* is sent only to a random selection of clients plus cases closed after services, as postage would be prohibitive to send to the thousands we refer annually. We are always interested in how referred clients feel about us and about the attorneys, and, as mentioned above, it is also a check on whether or not folks are remembering to pay the 10%.

The *complaint form* is sent to referred clients who are upset with the referral for some reason. We probably send ten or fifteen a year but rarely receive back more than five. Please note the paragraph where the client can waive the attorney-client privilege so that you may freely discuss the situation as it relates to the client’s complaint.

Questions? Call 206-267-7044 to speak with the administrative assistant to LRS