

2010 Tallahassee Bar Association
Lawyer Referral Service Membership Application/Agreement

Name _____ Bar No. _____ Phone _____ Fax _____

Firm Name _____ Mailing Address _____

Languages _____ Certification _____

Admitted to practice in: State/Year _____ State/Federal _____

Do you have a payment plan options? ___ Yes ___ No

I will accept referrals in ___ Leon ___ Gadsden ___ Jefferson ___ Franklin ___ Liberty ___ Wakulla ___ Other

Will you take Saturday appointments? ___ Yes ___ No Time: ___ AM ___ PM

Will you take evening appointments? ___ Yes ___ No Will you make Jail Calls? ___ Yes ___ No

The following is a list of categories. Please check categories in the areas of law in which YOU CONSIDER YOURSELF qualified. (3 CATEGORIES are included with your membership. You may add up to 2 additional categories.)

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| <p>1. ADMINISTRATIVE AND GOVERNMENTAL LAW (all) _____</p> <ul style="list-style-type: none"> Administrative _____ Department of Children & Family _____ Licensing _____ Medicare/Medicaid _____ Social Security Benefits _____ Social Security/Social Security Disability _____ School/Education Law _____ Military/Veterans Affairs _____ <p>2. CONSTITUTIONAL LAW/INDIVIDUAL RIGHTS (all) _____</p> <ul style="list-style-type: none"> First Amendment Issues _____ Baker Act _____ False Arrest _____ Civil Rights _____ Harassment _____ Police Brutality _____ <p>3. APPELLATE (all) _____</p> <ul style="list-style-type: none"> Civil _____ Criminal _____ <p>4. BANKRUPTCY (all) _____</p> <ul style="list-style-type: none"> Corporate _____ Personal _____ <p>5. BUSINESS LAW (all) _____</p> <ul style="list-style-type: none"> Business _____ Contract Law _____ Anti-Trust _____ <p>6. LITIGATION (all) _____</p> <ul style="list-style-type: none"> Civil _____ Commercial _____ <p>7. COLLECTIONS (all) _____</p> <ul style="list-style-type: none"> Debtor _____ Creditor _____ <p>8. CONSUMER LAW (all) _____</p> <ul style="list-style-type: none"> General _____ Contract/Warranties _____ Banking Law _____ Consumer Credit/Repossessions _____ Lemon Law _____ <p>9. CRIMINAL LAW (all) _____</p> <ul style="list-style-type: none"> State _____ Federal _____ Baker Act _____ Juvenile _____ Traffic _____ DUI _____ Traffic Infractions _____ <p>10. DISCRIMINATION (all) _____</p> <ul style="list-style-type: none"> American Disability Act _____ Employment _____ Housing _____ Civil Rights _____ Racial _____ | <p>11. ENVIRONMENTAL-LAND USE _____</p> <p>12. FAMILY LAW (all) _____</p> <ul style="list-style-type: none"> Adoption _____ Custody/Guardianship _____ Domestic Violence/Stalking _____ Divorce _____ Post Divorce _____ Paternity _____ <p>13. IMMIGRATION/NATURALIZATION _____</p> <p>14. INSURANCE (all) _____</p> <ul style="list-style-type: none"> Automobile _____ Life/Disability _____ Medical _____ <p>15. LABOR/EMPLOYMENT _____</p> <ul style="list-style-type: none"> Sexual Harassment _____ <p>16. LANDLORD/TENANT _____</p> <p>17. MALPRACTICE (all) _____</p> <ul style="list-style-type: none"> Dental _____ Medical (General) _____ Legal _____ <p>18. COPYRIGHT/PATENT/TRADEMARK (all) _____</p> <ul style="list-style-type: none"> Copyright _____ Patent _____ Trademark _____ <p>19. REAL PROPERTY (all) _____</p> <ul style="list-style-type: none"> Real Estate (purchase/sale/contract) _____ Mortgage Foreclosures _____ Home Owners Association _____ Mobile Home _____ Zoning/Land Use _____ <p>20. SPORTS/ENTERTAINMENT LAW _____</p> <p>21. TAX LAWS (all) _____</p> <ul style="list-style-type: none"> State/Local _____ Federal _____ <p>22. TORTS (all) _____</p> <ul style="list-style-type: none"> Personal Injury/Negligence _____ Product Liability _____ Slander/Label _____ Wrongful Death _____ <p>23. WILLS/ESTATE/PROBATE (all) _____</p> <ul style="list-style-type: none"> Wills _____ Estate Planning _____ Probate _____ Guardianship _____ <p>24. COMPENSATION LAWS (all) _____</p> <ul style="list-style-type: none"> Workers (State) _____ Workers (Federal) _____ Social Security _____ Unemployment _____ <p>25. ELDER LAW _____</p> <p>26. EMINENT DOMAIN/
COMDEMNATION _____</p> <p>TOTAL CATEGORIES CHECKED _____</p> |
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***** PLEASE READ AND SIGN THE BACK *****

TBA LAWYER REFERRAL SERVICE RULES AND REGULATIONS AGREEMENT

PREFACE: The primary purpose of the Tallahassee Bar Association’s Lawyer Referral Service is to provide a method whereby any person without regard to race, sex, age, national origin or sexual orientation who can afford to pay a reasonable fee for legal advice or representation and who does not have a lawyer may be referred to a member of the LRS who is available to give a brief consultation for an established fee and where necessary to furnish additional legal services on a reasonable fee basis.

I HAVE READ AND UNDERSTAND THE FOLLOWING ARTICLES:

- ARTICLE I The Lawyers Referral Service Committee _____(initial here)
- ARTICLE II Organization of the Service _____ (initial here)
- ARTICLE III Operations of the Service _____ (initial here)
- ARTICLE IV Removal from the Service _____ (initial here)
- ARTICLE V Publicizing the Service _____ (initial here)

I hereby apply for membership in the TBA’s Lawyer Referral Service for the year _____. I will abide by the Rules and Regulations of the LRS. Keeping in mind the purpose of the LRS to serve the public and assure all persons competent legal counsel for a reasonable fee. _____(initial here)

I hereby certify that I understand that the LRS will receive 10% of my gross net received from clients referred by the LRS; with the exception of the \$25 fee received for the initial 30 minute consultation. _____(initial here)

I certify that I am a member in good standing of The Florida Bar and that there is no disciplinary action pending against me. _____(initial here)

I am covered by Professional Liability Insurance of a least \$100,000 and I agree to maintain such coverage at all times while I am a member of the LRS. _____(initial here)

I understand that the LRS will reply upon my representations in this application in making referrals, and hereby I certify that the information I have given herein is true and accurate. I will promptly report any changes of circumstances which may materially affect the accuracy of the information provided in this application. _____(initial here)

I HAVE FURTHER CERTIFIED THAT I AM COMPETENT TO PRACTICE IN THE AREAS OF LAW FOR WHICH I HAVE AGREED TO ACCEPT REFERRALS AND I HAVE READ AND UNDERSTAND THE RULES AND REGULATIONS STATED BY THE TALLAHASSEE BAR ASSOCIATION AND WILL ABIDE BY THEM ACCORDINGLY.

DATE

Signature of Applicant

PROFESSIONAL LIBILITY INSURANCE (PLEASE INCLUDE A COPY OF THE INSURANCE FACE SHEET)

Policy No.

Expiration Date

Company Name

PLEASE ENCLOSE \$150 PLUS \$15 FOR EACH ADDITIONAL CATEGORY UP TO TWO ADDITIONAL CATEGORIES (a category is a numbered header in all capital letters) MAKE CHECKS PAYABLE AND MAIL TO: **TALLAHASSEE BAR ASSOCIATION LAWYER REFERRAL SERVICE, P.O. BOX 813, TALLAHASSEE, FL 32302**

RULES OF THE LAWYER REFERRAL SERVICE OF THE TALLAHASSEE BAR ASSOCIATION

PREFACE

The primary purpose of the Lawyer Referral Service of the Tallahassee Bar Association is to provide a method whereby any person without regard to race, sex, age, national origin or sexual orientation who can afford to pay a reasonable fee for legal advice or representation and who does not have a lawyer may be referred to a member of the Service who is available to give a brief consultation for an established fee and where necessary to furnish additional legal services on a reasonable fee basis.

ARTICLE I – THE LAWYER REFERRAL SERVICE COMMITTEE

The Lawyer Referral Service (LRS) Committee of the Tallahassee Bar Association (TBA) is charged with the organization and operation of the LRS and shall make such rules for the conduct and operation of the same as from time to time it may deem proper, subject to the approval of the Board of Directors of the TBA. The chairman of the committee shall be appointed by the Association's President.

ARTICLE II – ORGANIZATION OF THE SERVICE

1. **All members in good standing of The Florida Bar and the TBA who actively practice law in the Second Judicial circuit without regard to race, sex, age, national origin, sexual orientation or economic status are eligible for membership in the Service.**
2. A lawyer may apply for membership by filing an application on the form provided. Upon admission to membership the member agrees:
 - a. To pay an annual registration fee of \$150 for receiving appointments in three major categories and an additional \$15 for each additional major category up to two (2) additional categories.
 - b. To pay an additional fee of 10% of the gross fees recovered in the case promptly as funds are received. However, if a referral fee is for general representation (such as general corporate work) rather than a specific matter, the obligation for additional contributions shall apply only to fees earned for the services performed within the first year after the referral.
 - c. Within two (2) working days of receiving a referral, to personally grant an initial half-hour consultation in person, via telephone, or by written communication to a referred client for **a fee of not more than \$25.**
 - d. To arbitrate fee disputes before the LRS Committee of the TBA.
 - e. **To report promptly to the LRS, on forms to be furnished by the LRS, the disposition or status of referred matters and fees received for services in connection therewith and to promptly pay all additional contributions to the LRS when due.**
 - f. To maintain malpractice (E&O) insurance in the minimum amount of \$100,000/\$300,000, to furnish a face copy of the insurance policy or a certificate of insurance including the expiration date to the Service at the time of filing the original application, to provide proof of renewal to the Service on or before the date of expiration and to hold the TBA harmless from any claim made against it by a referred client of account of the member's alleged negligence or mistake.
 - g. To accept referrals in at least one (1) major area of practice listed on the LRS Panel's sheet.
 - h. To advise the client in writing during the initial interview or as soon as practicable thereafter that the TBA LRS does not guarantee that member attorneys possess special expertise in any particular area of law.

ARTICLE III – OPERATION OF THE SERVICE

1. The LRS shall be staffed by one or more Coordinators who shall function under the supervision of the Committee.
2. At the same time of the referral, the Coordinator shall advise the client that the LRS makes no representations as to the skill qualifications or competence of the lawyer to handle the matter in question other than that the lawyer is a member in good standing of The Florida Bar. The staff shall maintain a separate list of members for each area of practice specified in Article IV. Prospective clients shall be interviewed by a Coordinator. If legal services are requested, the Coordinator shall refer the client to a member on the appropriate list.
3. The referral procedures shall assure that each referral is made in a fair and impartial manner to a member of an appropriate panel. Such procedures shall respond to all circumstances of the client-applicant, including the subject, the legal problem presented, geographical convenience, language needs and ability to pay for desired services.
4. Long distant telephone referrals will be arranged for non-local client applicants requiring telephone consultations. **A telephone consultation shall be treated as an office visit in that the client shall be requested to remit the regular \$25 referral fee to the member.**
5. Assignment of referral clients shall be by chronological rotation from the appropriate list unless the client shall decline to be referred to a particular member, in which case the client shall be referred to the next member on such list. Any member passed over in this manner shall remain in the same position on such list. If a member declines to accept a referral, the member's name shall rotate to the bottom of this list.
6. If the coordinator ascertains that a person being interviewed is presently represented by a lawyer in the same matter, the member to whom the referral is made shall be informed of the circumstances and shall be governed by the Code of Professional Responsibility.
7. No referrals shall be made to a member who fails to comply with any of the provisions of Paragraph 2 of Article IV. The Committee shall notify a member in writing of any non-compliance, specifically describing the nature of such member's noncompliance, and upon compliance, such a member shall become entitled to receive referrals.
8. A member shall not refer a matter referred to the LRS to another lawyer. However, a member may permit a law firm associate, partner or professional association member to conduct the necessary legal services under such member's guidance if the assisting lawyer is also a member of the LRS and on the same area of practice list.
9. The LRS shall make regular and consistent attempts to monitor a reasonable number of cases in order to determine whether appointments have been kept, whether the referred client was satisfied with the lawyer's handling of the case, whether the fee was within the client's

means and similar information. Information obtained by such follow-up procedures should be used to make such alterations in the operation of the LRS as may appear desirable to the Committee.

10. The LRS shall provide on a quarterly basis to the Ethics and Discipline Department of The Florida Bar an alphabetical list of members of the LRS pursuant to Integration Rule Bylaws, Article XV, Section 1(a)(4).
11. The LRS shall maintain liability/legal malpractice insurance in an amount not less than \$250,000/\$500,000.

ARTICLE IV – REMOVAL FROM THE LRS

1. No member of the LRS shall be removed from membership in the LRS without having been afforded notice and an opportunity to be heard by the Committee and an opportunity to show cause why such member should not be removed from membership except as provided for in Paragraph 4 below.
2. A majority of the Committee may remove a member from the LRS for cause upon the following grounds:
 - a. Failure to pay dues.
 - b. Failure to pay additional contributions when due.
 - c. Consistent unavailability for any reason other than illness.
 - d. Consistent refusal to make or keep appointments with referred clients.
 - e. Failure to comply with the Rules of the LRS.
 - f. Incompetence.
 - g. Failure to meet the qualifications for membership in the LRS.
 - h. Suspension or disbarment from The Florida Bar.
3. A member may at any time withdraw from membership upon written notice to the Committee, but any resigning member shall not thereby be relieved of obligations in connection with any referred matter.
4. A member shall be automatically suspended from membership in the LRS upon notification to the LRS from the Ethics and Discipline Department of The Florida Bar that a finding of probable cause has been made against said member and that suspension shall remain in effect until the grievance matter is resolved. IF the member is in good standing with The Florida Bar after the resolution of the matter, then he or she shall be returned to the LRS pursuant to Integration Rule Bylaws, Article XV, Section 1(a), (3) and (4).

ARTICLE V – PUBLICIZING THE SERVICE

The Committee shall publicize the existence and purpose of the Service through proper channels, but without identifying its members.

Revised 10/06