

**MIDDLESEX COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE BY-LAWS
Revised: June 13, 2003**

ARTICLE I - Purpose

The purpose of the Lawyer Referral Service ("LRS") is to make legal services readily available to residents of Middlesex County by providing a way in which any resident may be referred to a lawyer on a basis which takes into consideration the person's geographical convenience and the type of legal problem presented.

ARTICLE II - Government

A. LRS will be operated under the general supervision and control of the Lawyer Referral Service Committee of the Middlesex County Bar Association ("The Committee"). The Committee shall consist of members appointed by the President of the Middlesex County Bar Association (MCBA).

B. The Committee shall have the authority to adopt and implement policies and regulations consistent with these rules, to monitor the performance of the LRS and to report to the MCBA Board of Trustees, no less than once per year. The Committee shall meet at least twice a year.

ARTICLE III - Conditions of Lawyer Referral Service Membership

A. LRS members can choose to be listed on various panels as provided for in Article IV. The attorney's choice should reflect the types of cases he/she presently handles, in which he/she has experience, and for which he/she can represent a client completely as required by the Rules of Professional Conduct. By selecting a Panel, the attorney warrants that he/she is competent to represent someone in that field.

B. LRS members must be engaged in the active private practice of law and must maintain a law office suitable for reception of clients during normal working hours, which office must be located within Middlesex County or in a county which is geographically adjacent to Middlesex County.

C. An attorney may select a panel and receive referrals provided that one of the following provisions is met:

1. The attorney certifies that he/she has handled five cases of the type listed within the last five years; or

2. Twenty-five percent of his/her practice has been of those types of cases and the attorney has been in practice for more than one year.

3. If an attorney cannot meet the standards as set forth herein, he/she will be given an opportunity to demonstrate to the LRS Committee alternative qualifications. Other such

qualifications may include special law school, graduate or post-graduate studies, teaching experience, and continuing legal education, maintenance of a library of relevant source materials, past experience with a relevant government body, or preparation of a publication dealing with the subject area.

D. Panel members must carry professional liability insurance in an amount not less than \$100,000/\$300,000 and must provide a certificate of insurance naming the MCBA as a certificate holder annually to the Committee. Panel members will be notified one month prior to their policy expiration date and will be placed on inactive status if they fail to provide proof of insurance within 45 days of that date. Members will then be notified that they have been placed on inactive status.

E. Each panel member shall pay annual dues as determined by the MCBA Board of Trustees. Any participant who becomes thirty (30) days delinquent in the payment of annual dues will be suspended from the LRS but will be reinstated if payment is made within the current year.

F. A panel member may be removed by a majority vote of The Committee if the member is no longer a member in good standing of the MCBA, is no longer covered by the required malpractice insurance, or fails to abide by the by-laws of LRS.

G. Each panel member must submit an application for membership upon joining the LRS that supplies The Committee with the required information and contains the member's agreement to abide by the by-laws of the LRS for the duration of their panel membership.

ARTICLE IV - Panels

A. The Committee shall establish panels consisting of types of cases.

B. Panel members will be limited to membership in no more than six (6) panels in any one-year. Panel members who wish to be listed on more than six (6) panels must demonstrate special qualifications to The Committee. LRS will refer to each attorney those types of cases coming within the panels designated by the attorney.

C. In making the referrals of a client to a panel member, consideration will be given to geographical location, type of legal problem presented, language needs and any other special needs of the client.

D. LRS will attempt to distribute panel referrals as evenly as possible among panel members taking into consideration the above requirements; a record will be kept of all referrals at any time.

E. No referrals shall be made on the basis of race, sex, age, religion or national origin.

F. The client/applicant will be informed either orally or in writing of the LRS rules applicable in his or her case, including information about the first consultation fee and the legal services that will be rendered for such fee.

G. The time and place of the first consultation shall be arranged directly between the client/applicant and the panel member. Such consultation should be made as soon as possible after the referral from LRS.

ARTICLE V - Rendition of Services

A. Panel members must provide each person referred by the LRS a 30-minute initial consultation. The charge for the initial consultation shall not be more than \$35.00, which will cover the attorney-client conference and advice but not the preparation of documents.

B. If the attorney agrees to undertake representation of the person referred, fee arrangements after the initial consultation will be those agreed to by the client and the attorney. LRS will make no representation to the public concerning the competence of panel members. It will advise persons who inquire that the attorney has designated certain areas of the law in which he/she will accept referrals from LRS.

C. After the initial consultation, if the attorney decides that he or she will not be able to provide services and a further referral is needed, the client will be instructed to call the LRS again for another referral. A panel member who decides not to provide service may refer the client to another attorney with permission from the LRS. If such a referral is made to a non-LRS attorney, the non-LRS attorney shall be required to sign an agreement stating that he or she will comply with all of the rules of the LRS before entering into an agreement with the client, and the panel member making the referral shall not collect a forwarding fee. In the event that a non-LRS attorney does not agree to abide by the provisions of the LRS and is retained by an LRS client, the panel member making the referral shall be responsible for payment for any fees as provided for in Article VI.

ARTICLE VI - Referral Fee

A. The LRS shall collect from panel members a percentage fee on all cases referred through the service where the client has been charged \$750 or more by the attorney.

B. The percentage fee shall be based on the cumulative charges, on the specific matter referred, incurred by the client to the panel member and the amount paid to the Association shall be based on the amount of attorneys fees collected.

C. A ten (10) percent fee shall be charged to panel members on all referral cases where attorneys fees collected from the client are between \$750 and \$50,000.

D. In the event that the attorney's total fee collected is greater than \$50,000, then a fifteen (15) percent fee charge shall apply to that amount in excess of \$50,000.

E. Panel members must notify a client at the outset of representation of the following:

1. That a portion of the fees are payable to the LRS;
2. That the LRS is entitled to know the outcome of any legal representation and to know the fees received by the panel member and any other attorney with whom the attorney associates in the course of representation of the client; and
3. That the LRS is entitled to audit the file to check for fees paid.

Upon the settlement of any such action, the panel member is obligated to include the LRS with those who have a right to know about a settlement, to the extent necessary to allow the LRS to have knowledge of the terms of the settlement, including all attorney(s) fees paid in the case, whether paid directly, by another party or by settlement proceeds, so that the LRS may determine the portion of the panel member's fees to which it is entitled.

F. Panel members shall be responsible for making prescribed referral fee payments to the Association within 30 days of the collection of clients' fees.

G. All referral fees not made within 30 days shall be reported to The Committee for further action.

H. Referral fees paid by panel members to the LRS shall not be passed on to the client.

ARTICLE VII - Reduced Fee Program

A. All LRS rules and regulations apply to the Reduced Fee Program (RFP), unless otherwise stipulated in this Article.

B. The purpose of the RFP is to extend the LRS to residents who do not qualify for Legal Assistance or other no cost services, but who cannot afford to pay attorneys fees at rates which would ordinarily be charged and to make available opportunities for member attorneys to render legal services to persons who could otherwise not afford to receive such services and to perform a public service.

C. Panel Membership

1. Panel members shall be required to pay a separate annual fee, as determined by the LRS Committee. The annual fee will be waived if the panel member is also a member in good standing in the Lawyer Referral Service.

2. The RFP is separate from the Percentage Fee Program and participation in both programs is not required.

3. Provisions of Article VI do not apply to the RFP.

D. Panels

1. The RFP will refer in the following subject areas:

- a) Bankruptcy – Chapter 7 Only
- b) Criminal Matters
- c) Family Matters
- d) Foreclosures – Defense Only
- e) Landlord/Tenant – Tenants Only
- f) Municipal Court Matters
- g) Name Change
- h) Small Claims Actions
- i) Special Civil Part
- j) Tort Defense

2. Plaintiff representation in all matters where an attorney would accept the case on a contingency fee basis and representation in the purchase, sale or re-finance of real property will not be accepted.

3. RFP members can accept referrals in all subject areas. LRS will refer to each RFP attorney within the subject areas designated by the attorney.

E. Client Requirements

1. Clients who seek assistance through the RFP must not have income greater than 200% of the official poverty threshold (OPT), as established by the Federal Government, and liquid assets over \$3,000.00, and own more than one home per family and one car per adult. Clients who do not qualify for the RFP shall receive an LRS referral.

2. Clients shall be required to complete an application form and provide any additional information as may be requested to determine economic status.

3. Clients shall pay a \$30.00 application fee to participate in the RFP. Payment shall be in cash or money order and shall be due and payable to the attorney prior to or at the time of the initial consultation. Checks will not be accepted. Consultations will not be held without payment of this fee.

4. In addition to the fee schedule listed in Section F, the client agrees to pay, in advance, for all filing fees and court costs.

F. Rendition of Services

1. Clients will be referred to RFP attorneys in the same manner as prescribed in Article IV, Section C. If there is no RFP attorney available for a given subject matter, the client will be advised of the option of a regular full fee referral through the LRS.

2. Panel members must provide each prospective client referred with an initial consultation. Panel members agree to collect the client application fee prior to all initial consultations and to cancel any initial consultation if payment is not received.

3. Panel members agree to review the client application form and determine RFP qualification. Clients who do not qualify shall either be:

- a) Returned to the LRS program for referral; or
- b) If the attorney is an LRS panel member, the attorney may treat the client as an LRS referral, notify the Bar Office that the client did not qualify for the RFP Program and proceed in accordance with the Percentage Fee Program.
- c) RFP panel attorneys who are not LRS panel members are prohibited from representing clients referred to them who do not qualify for the program.

4. Upon qualification and if the attorney agrees to undertake representation of the person referred, panel members agree to limit counsel fees to \$60 per hour in accordance with the following retainer/flat fee schedule:

Bankruptcy	\$350.00	Flat Fee
Criminal	\$600.00	Retainer
Criminal Juvenile	\$300.00	Retainer
Expungements	\$240.00	Retainer
Child Support Reduction	\$360.00	Retainer
Child Support Increase	\$360.00	Retainer
Custody Dispute	\$1,200.00	Retainer
Contested Divorce	\$1,380.00	Retainer
Contested Divorce – No Children	\$1,080.00	Retainer
Uncontested Divorce	\$300.00	Retainer
Uncontested Divorce – No Children	\$300.00	Retainer
Domestic Violence – Victim	\$300.00	Retainer
Domestic Violence – Defense	\$300.00	Retainer
Grandparents Visitation	\$480.00	Retainer
Post Judgement Enforcement of Orders	\$420.00	Retainer

Unmarried Child Support & Custody	\$600.00	Retainer
Foreclosures (Defense Only	\$480.00	Retainer
Landlord/Tenant (Tenant)	\$180.00	Retainer
Municipal Court	\$240.00	Retainer
Name Change	\$240.00	Retainer
Small Claims	\$180.00	Retainer
Special Civil Part	\$240.00	Retainer
Tort Defense	\$600.00	Retainer

5. A standard RFP retainer agreement signed by the attorney and the client is required. (See RFP Retainer Agreement - Attachment A.)

6. If an RFP attorney accepts a case in which attorneys' fees are recoverable from the opposing party, the RFP attorney and the client may seek to recover said fees. If received, the distribution and disbursement of those recovered fees shall be governed by the attorney-client agreement. The RFP will have no interest or claim in such fees.

ARTICLE VIII - Administration

A. The Association shall be responsible for the administration of the Lawyer Referral Service.

B. The Association shall send to each panel member case status reports that shall include the following:

1. A listing of all referrals made during a specified time period, including client name, phone number (if available) and type of referral; and

2. Follow-up questions concerning the status of each case referred.

C. Case status reports must be completed and returned to the Association by all panel members. If any panel member does not or refuses to return the completed form to the Association within sixty (60) days, they may be put on inactive status until the report is completed and returned to the Association. In this event the panel member who is put on inactive status will be so notified. All such matters of non-compliance with this reporting requirement shall be referred to The Committee for action and possible suspension from the LRS.

D. On an annual basis starting in June, the Association shall provide to each panel member a complete list of all referrals made through the LRS during the previous year.

E. The Association shall provide any and all other statistical information concerning the LRS to any panel member at their request.

F. The LRS, as it is financially able to do so, is to continually take actions that would improve its efficiency and promote participation.

ARTICLE IX - Review and Discipline

A. The Committee will have the authority to examine a prospective panel member's application to determine the member's continuing eligibility, and to adjust panel membership when necessary.

B. If The Committee fails to approve a prospective panel member after consideration of his/her application and disciplinary record or moves to remove or suspend a panel member, the attorney concerned will be notified in writing of the intention and reasons therefore, and will be offered the opportunity to make a written or oral response to The Committee.

C. An attorney may withdraw from a panel or the LRS at any time upon written notice to the LRS, but he/she shall not thereby be relieved of the duty to dispose of, in accordance with the Rules of Civil and Criminal Procedure, any pending cases or any obligation incurred during membership.

D. Complaints from clients concerning a panel member will be referred to a member of The Committee for initial review. If the committee member determines that there is a basis for the complaint, then a hearing will be held before the entire committee either in person or based upon a written submission. If a complaint by a client is identified as a possible ethics or fee dispute, it will be promptly referred to the appropriate fee dispute or ethics review committee.

E. The Committee shall review all instances of non-payment of referral fees by panel members, reserve the right to suspend and/or terminate any panel member who is delinquent for more than 45 days and take all appropriate action to collect the monies owed. In the event that the Association resorts to litigation, the panel member shall be responsible for counsel fees in the amount of 25% of the outstanding balance together with all costs of suit.

ARTICLE X - By-law Amendments

A. Amendment of these By-Laws requires approval of two-thirds affirmative vote of The Committee.