

## MI LAPP REFERRAL PROCESS

### INITIAL CONTACT:

1. The Legal Service Provider (LSP) initiates contact with SBM staff after having already gathered information regarding the retirement plan(s).
2. The LSP fully completes the MI LAPP referral form, located at <http://www.michbar.org/file/programs/atj/pdfs/mi-lapp-rf.pdf>, which requires the following information:
  - a. Name of employer of plan participant,
  - b. Name and address of 401(k) plan to be divided – LSP must be specific as to whether plan covers hourly or salaried employees,
  - c. Benefit statements for participant,
  - d. Summary plan description,
  - e. Date for division of benefits,
  - f. Judgment of divorce decree (If a judgment has not yet been entered, a draft that includes the terms of division for the retirement plan(s) to be divided, or if there is no such draft, an understanding of the terms, and also a caption page from any motion or pleading),
  - g. Any other information, which from time-to-time is requested by the volunteer Drafter.
3. The LSP sends the completed referral form along with all of the required document information to the State Bar of Michigan staff. Email the information to Robert Mathis, SBM Pro Bono Service Counsel, at [rmathis@mail.michbar.org](mailto:rmathis@mail.michbar.org).

### TIMING:

4. SBM staff enters all information into PIKA, SBM's case management system, upon receipt. SBM staff refers a DRO drafting assignment as quickly as possible to a Drafter. Within two business days is the goal for emergency referrals, and within seven business days is the goal for non-emergencies referrals. The timetable is generally met as long as all documentation is fully completed before submission by the LSP.
5. The Drafter, upon notice to the SBM, may accept or reject any referral. In general, the Drafter's decision to accept or reject a referral should be made within five business days of the date of the referral.
  - a. If necessary, SBM staff will work with the LSP and the Drafter to create a realistic timeframe for completion of the proposed DRO to manage client expectations.
  - b. If a negotiated timeframe deviates from the standard completion timeframe, SBM staff will communicate this arrangement to the LSP and document it in PIKA.
6. SBM staff understands that unforeseen circumstances may prevent the Drafter from completing a DRO drafting assignment within the designated time period. Under those circumstances, SBM staff will notify the LSP to give the reason for the delay and if necessary, with the permission of the LSP and advice of the QDRO Administrative Group, re-assign the case.
7. SBM staff will notify the LSP when the DRO drafting assignment is referred. From that point on, the LSP and the Drafter will communicate directly. The lawyer-client relationship between the LSP and client will not change as a result of the LSP participating in the QDRO referral process and the LSP remains responsible for all client communication. The Drafter may not

contact the LSP's client directly without the consent of the LSP. No lawyer-client relationship is created between the LSP's client and the Drafter or the SBM.

8. For emergency referrals, MI LAPP expects that the proposed DRO will be prepared within 15 days of the date of acceptance of the referral. The LSP will follow-up with calls or by email to the Drafter beginning on day 16 to check on the status, if the proposed DRO has not been received.
9. For non-emergency referrals, MI LAPP expects the proposed DRO will be prepared within 30 days of the date of acceptance of the referral. The LSP will follow-up with calls or by email to the Drafter beginning on day 31 to check on the status, if the proposed DRO has not been received.
9. SBM staff is initially responsible for trouble-shooting DRO referrals. If staff is not successful in resolving issues regarding these referrals, the QDRO Administrative Group will follow up. This follow up may include discussions with the Drafter or reassignment to another Drafter.

**APPROVAL:**

11. Upon acceptance of a referral, the LSP will be placed in direct contact with the assigned Drafter. The LSP and Drafter are responsible for notifying SBM staff of the following dates and information: (1) date of completion of the proposed DRO by the volunteer Drafter; (2) date of entry of the plan-approved QDRO by the court; and (3) total pro bono hours (legal and non-legal hours) provided relating to the QDRO. SBM staff will enter notes in PIKA reflecting these reports.
12. Not all DROs are approved or submitted for entry upon submission of the first draft. The Drafter will remain available to consult with the LSP until a plan-approved QDRO has been entered by the court. SBM staff will close the referral file after the court enters the plan-approved QDRO (not the initial completion of the proposed DRO) upon notification from the LSP.

**ADMINISTRATION:**

13. The LSP and the Drafter should notify SBM staff of all case status updates and should copy SBM staff on all email exchanges between the LSP and the Drafter.
14. SBM staff, with the assistance of the LSP, will send out client satisfaction surveys. These surveys will be sent out only after the QDRO has been completed. The term "completed" refers to a QDRO which has been approved by the Plan Administrator and has been entered with the court.
15. SBM staff will send out quarterly reports to the Drafters and the QDRO Administration Group. Drafters will only receive quarterly reports pertaining to referrals they accepted.
16. Each quarter, SBM staff will contact the Drafter and the LSP to inquire about the status of any uncompleted referrals and will note those contacts in PIKA.