

*Effective October 1, 2010*

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**Rule 1-Purpose and Scope**

The State Bar of Michigan Lawyer Referral and Information Service (LRIS) is designed to provide a lawyer referral to members of the public who need legal assistance and can afford to retain a lawyer. This assistance may include referrals to local bar associations, panel members, government agencies, or other appropriate programs and services.

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**Rule 2-Establishment of the Lawyer Referral Service (LRS) Committee**

The LRS Committee shall consist of at least six members. The President of the State Bar has the power to appoint and remove all members. The LRS Committee should encourage member participation, which is representative of each geographic region within this state.

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**Rule 3-Powers and Duties of the LRS Committee**

The statewide LRIS program will be managed by the State Bar Professional Standards Service Counsel under the general supervision and control of the State Bar LRS Committee as authorized by the State Bar Board of Commissioners. The LRS Committee may draft and, by majority vote, recommend to the Board of Commissioners amendments to these Rules.

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**Rule 4-Eligibility Requirements and Conditions of Panel Membership**

**4.1-**State Bar active members in good standing shall be eligible to serve as LRIS panel members. Panel members are eligible to receive referrals in areas of practice as designated by them on their Registration Form. All panel members must abide by the Rules of the State Bar LRIS, including complying with all reporting and payment requirements.

**4.2-**Panel members must be engaged in the private practice of law on a full-time basis and must maintain a law office suitable for meetings with State Bar LRIS callers' during normal business hours. Panel members must promptly notify the State Bar LRIS in writing of the change in membership status, address, and/or telephone number.

**4.3-**All panel members must carry professional liability insurance in an amount not less than \$100,000 per occurrence and \$300,000 aggregate to participate in the State Bar LRIS and must provide a current copy of the insurance policy certificate. Expiration of a panel member's professional liability insurance will automatically suspend that panel member from the State Bar LRIS, until the renewed information is submitted.

**4.4-**A panel member may elect to accept referrals in any field of law in which the member is competent, in accordance with MRPC 1.1. Selection is done by designating on the Registration Form the lawyer's areas of practice. Referrals are made to panel members on an impartial, rotation, county-by-county basis. Panel members are eligible to receive referrals in every practice area selected. Panel members are cautioned against selecting areas of practice in which they are not actively engaged. Panel members should not select areas of practice if they do not want to receive referrals in those practice areas.

**4.5-**There is no attorney/client relationship or other professional relationship of any nature whatsoever between the State Bar LRIS and the State Bar LRIS caller. Accordingly, any and all fee disputes that arise are matters to be resolved between the panel member and the caller.

**4.6-**Panel members may not unreasonably refuse to accept an initial consultation appropriately referred by the State Bar

LRIS. Panel members declining two consecutive referrals will be placed at the end of the rotation list. A panel member's habitual refusal to accept referrals may justify removal from participation in the State Bar LRIS, as provided in Rule 4.8. Acceptance of a referral for an initial consultation does not obligate a panel member to provide legal services beyond the initial consultation.

**4.7-**A panel member may request in writing to be temporarily suspended from the Service due to sickness, vacation, leave of absence, etc. The request will be effective upon receipt.

**4.8-**If, in the LRS Committee's opinion, there is reasonable cause to believe a panel member has violated State Bar LRIS Rules, policies or regulations, the LRS Committee may remove the panel member or take such lesser action as it deems appropriate, provided that written notice is given.

**4.9-**Upon confirmation that a complaint has been brought against a panel member alleging malpractice or another tort pertaining to the representation of a client arising from an established attorney/client relationship or that a complaint as defined by MCR 9.115(B) has been filed against a panel member regarding the representation of a client arising from an established attorney/client relationship, the LRS Committee may elect to suspend the panel member during the pendency of the legal proceeding or disciplinary matter, provided that written notice is given. The LRS Committee may elect to reinstate the suspended panel member for the balance of the term covered by the registration fee last paid upon confirmation that the disciplinary matter has been resolved without a change in the panel member's membership status.

**4.10-**The attorney fee for an initial consultation with a State Bar LRIS caller shall be no more than \$20 for the first thirty minutes, and shall not be subject to the percentage fee provision included in LRIS Rule 4.12. The initial consultation attorney fee is subject to change as established by the LRS Committee. All other attorney fees beyond the initial consultation must be negotiated between the panel member and the State Bar LRIS caller in accordance with MRPC 1.1 and 1.5.

**4.11-**Panel members shall pay an annual registration fee of \$75. This annual registration fee is subject to change as established by the LRS Committee.

**4.12-**For any referral received by a panel member generating an attorney fee of \$250 or more, the panel member agrees to remit ten percent (10%) of the attorney fee to the State Bar of Michigan Finance Department within ten (10) working days of receiving the quarterly case status report from the State Bar LRIS. Panel members are prohibited from increasing legal fees to State Bar LRIS callers to compensate for the required payments to the State Bar LRIS.

**4.13-**Panel members shall comply with all reporting requirements imposed by the State Bar LRIS, including, but not limited to, the timely submission of quarterly case status reports on forms provided by the State Bar LRIS. Any panel member who fails to comply with State Bar LRIS reporting requirements may be suspended upon ten (10) days written notice. While suspended, the panel member will be deemed inactive and, therefore, ineligible to receive referrals.

**4.14-**No panel member may transfer a State Bar LRIS referral to another lawyer. If a panel member declines to represent a State Bar LRIS caller, the caller must be referred back to the State Bar LRIS. Alternatively, the caller may be referred to a public entity or agency for assistance. Any panel member who violates this rule shall be liable to the State Bar LRIS in the amount of ten percent (10%) after a \$250 fee has been recovered by

the lawyer to whom the transfer was made or any other subsequent transferee. The foregoing prohibition shall not prevent a panel member from utilizing another lawyer as co-counsel; however, a panel member who utilizes co-counsel shall be liable to the State Bar LRIS for ten percent (10%) of all attorneys' fees recovered by both the panel member and co-counsel, and the panel member shall give written notice of this requirement to co-counsel along with a copy of the State Bar LRIS Rules, at the time the co-counsel relationship is established. Any panel member who fails to comply with this reporting requirement may be suspended upon ten (10) days written notice.

**4.15-**When a referral is made, the State Bar LRIS will send the panel member a referral report form. A copy of the completed report form must be returned to the State Bar LRIS after the initial consultation with the State Bar LRIS caller, or 30 days after the date of the referral, whichever comes first. The information requested in the referral report is limited to data necessary to operate, improve, and evaluate the State Bar LRIS and shall in no way require the panel member to violate the attorney/client privilege. A record of referral reports submitted by panel members will be maintained by the State Bar LRIS for no less than 120 days.

**4.16-**A lawyer desiring to withdraw from the Service must notify the State Bar LRIS in writing. The request will be effective upon receipt.

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**Rule 5-Operations**

**5.1-**Day-to-day operations shall be managed by the State Bar Professional Standards Service Counsel. Staff counsel may periodically survey caller satisfaction regarding its operations. The survey may be by mail or by phone and need not involve every caller. Staff counsel must report serious and/or repeated complaints against panel members to the LRS Committee, which may lead to suspension or removal from the Service.

**5.2-**Referrals to panel members shall be made on an impartial, rotation, county-by-county basis.

**5.3-**All calls will be screened by a Lawyer Referral Service Representative who will determine the general nature of the caller's legal situation and the locality in which the caller needs legal assistance.

**5.4-**If it is ascertained that a caller requires a referral in a county serviced by a local LRIS registered with the State Bar of Michigan pursuant to MRPC 6.3, the caller will be referred to the local LRIS unless the caller specifically requests otherwise.

**5.5-**Referrals from a local Bar Association will be handled in accordance with State Bar LRIS policies and procedures.

**5.6-**The State Bar LRIS will be publicized statewide to fulfill its objectives and in accordance with the Michigan Rules of Professional Conduct. However, the Service will not be publicized via the National Yellow Pages in those counties serviced by a local Bar Association.

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**Rule 6-Rule Amendments**

The LRS Committee may, by majority vote, recommend to the Board of Commissioners amendments to these Rules. The Board of Commissioners may amend these Rules at any time.

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1 The phrase "State Bar LRIS caller" or "State Bar LRIS callers" is defined as the person who contacts the State Bar of Michigan Lawyer Referral Service (via telephone or online) and receives a referral to a local bar association, a panel member, or a public resource.