

**NASHVILLE BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE PLAN**

I. PURPOSE

- 1.1 The purposes of the Lawyer Referral and Information Service (hereinafter, “The Service”) are:
- (a) To make legal services readily available to the general public by providing a way in which any person may be referred to a qualified lawyer on a basis which takes into consideration the person’s financial circumstances, spoken language, geographical convenience, and the type and complexity of the legal problem presented;
 - (b) To provide information about lawyers and the availability of legal services which will aid in the selection of a lawyer;
 - (c) To inform the public when and where to seek legal services and to provide an initial determination of whether such services are necessary or advisable;
 - (d) To provide legal and general information as well as referral to consumer, government and other agencies when such is in the best interests of the individual concerned;
 - (e) To provide members of the legal profession access to experienced practitioners sufficiently qualified to advise other lawyers in particular; and
 - (f) To cooperate with lawyer referral service programs having similar purposes as set forth within this paragraph.

II. PLAN OF ORGANIZATION

- 2.1 The Service shall be sponsored by the Nashville Bar Association under the direction of that organization’s Board of Directors and the Lawyer Referral Service Committee. The Service shall be operated out of an office located in Nashville, Tennessee by staff persons employed by the Nashville Bar Association.
- 2.2 The Service shall be operated exclusively under the supervision of the Nashville Bar Association and the Rules of the Tennessee Supreme Court, including the Code of Professional Responsibility.

III. THE COMMITTEE

- 3.1 Members of the Lawyer Referral Service Committee (“the Committee”) shall be appointed by the Board of the Nashville Bar Association. The period of appointment of each member shall be long enough for him or her to gain reasonable familiarity with the work of the Service.
- 3.2 The Committee shall meet at regular intervals, at least quarterly, and shall report to the Board of the Nashville Bar Association.
- 3.3 The Committee shall from time to time review this Plan and the operation of the Service and shall recommend to the Board of Directors of the Nashville Bar Association such revisions, as it shall deem advisable.
- 3.4 The Committee shall have the further responsibility of adopting such forms, procedures and rules of administration for the Service, consistent with this Plan, as the Committee shall deem appropriate to carry out the purposes above as set forth.
- 3.5 The Nashville Bar Association shall pay all expenses of the operation of the Service, including the charges of outside agencies or other persons for services or facilities provided to the Service, in such amounts as the Committee determines to be reasonable and necessary, subject to such budget limitations approved by the Board of Directors of the Nashville Bar Association. The Nashville Bar Association may maintain and pay for liability insurance coverage insuring all persons administering the Service within limits it shall determine.
- 3.6 The Nashville Bar Association shall endeavor to employ a full-time staff of the Service. The Director of the Service shall be directly responsible to the Executive Director of the Nashville Bar Association.

IV. THE LAWYER PANEL

- 4.1 The Committee shall organize one panel of lawyers to whom client referrals shall be made. The Committee may designate fields or types of legal work in which the members of the Lawyer Panel may designate that they will, or will not, accept referrals.
- 4.2 Any private practice active attorney in good standing with the Tennessee Board of Professional Responsibility may qualify as a registered member of the Lawyer Panel. Attorneys in practice for three years or more will be asked to voluntarily become “mentors” in areas of law, which they specify, for newly licensed attorneys who join the Service. Mentors should be available for limited consultation when called upon by specified panel members.
- 4.3 In submitting an application for membership on the panel, the applicant may designate those fields or types of legal work chosen by the committee in which he will or will not accept referrals. After registration, a panel member may revise such designation from time to time by written notice to the Service. A panel

member shall not be permitted to specify an unwillingness to accept referrals according to the value of the property or the amount of claim involved.

- 4.4 Before accepting the registration of any applicant, the Service may require such information and certifications as it deems necessary to show the applicant is a licensed attorney in good standing with the Tennessee Board of Professional Responsibility, qualification to practice, and, that adherence to recognized ethical standards of the profession. The Committee may conduct further investigations and require further information bearing upon the responsibility, capability, character and integrity of any applicant. The Committee may also require such information as it deems necessary in continuing the registration of any registered lawyer.
- 4.5 Any applicant may be denied registration and any registered lawyer may be withdrawn from registration if the lawyer has:
- (a) Willfully failed to pay any fee, render any report, or otherwise abide by the rules of the Service.
 - (b) Signed any application or other certification or report to the Service which shall be found to be untrue in any material respect.
 - (c) Ceased to be a private practice active attorney in good standing with the Tennessee Board of Professional Responsibility.

Such action may be taken only by a vote of a majority of all members of the Committee, after a hearing on reasonable notice and an opportunity to be heard, and subject to the right of appeal to the Board of Directors of the Nashville Bar Association. Notwithstanding the foregoing, if at any time, the Committee receives notice or information giving it reasonable grounds to believe that a registered lawyer does not meet the required standards of responsibility, capability, character and integrity, it may for good cause shown and shall continue, only for such reasonable time as may be necessary, pending a hearing.

In that the lawyer has failed to pay the fees to the service, the coordinator may place the lawyer on an inactive status with the Service. Such lawyer will remain on an inactive status until the attorney is no longer in arrears in payment of the dues and fees of the Service.

- 4.6 It shall be a condition to membership on the Lawyer Panel, and each lawyer, in filing an application for registration as a member, agrees:

- (a) Any charge for further service will be agreed upon with the client. Beginning June 1, 2003, on all cases, the fee rate will be as follows:

15% of any fees paid to the LRS attorney.

These amounts shall be paid to the Nashville Bar Association and used to underwrite the expenses of the Service.

- (b) To carry and continue to carry, professional liability insurance in a form and amount as may be determined by the Committee.
- (c) All panel members are required to have completed at least 15 hours of continuing legal education in the twelve-month period prior to application for or renewal of membership. The continuing legal education hours may be in any area of the law. Panel members will have a 90-day grace period to complete the 15 hours if not completed by their membership renewal date. A brief written plan for completion of the remaining CLE hours should accompany the renewal application. Panel members completing more than the required hours in one membership year may carry over up to 15 hours to meet the requirement for the following membership year. Newly licensed attorneys who join the Service will be exempt from the CLE requirement for the first 12 months of practice.
- (d) All applicants for the subject matter panel membership are required to document relevant experience prior to panel admission. Relevant experience may be demonstrated by either:
 - (1) Documented evidence that within the specified time period, the applicant has personally handled to conclusion the set number of cases in the subject area.
 - (2) Documented evidence that within the specified time period, the applicant has completed a minimum of 12 CLE credit approved by the Tennessee Commission on Continuing Legal Education in the subject area.
- (e) To permit any dispute concerning fees arising from a referral to be submitted to the Fee Disputes Committee of the Nashville Bar Association, if the client so petitions.
- (f) To grant clients referred by the Service an appointment as soon as practicable after a request is made.
- (g) That information contained in a lawyer's application may be furnished, to the extent the Committee sees fit, to applicants who seek assistance from the Service.
- (h) With respect to persons referred to the Service by the Legal Aid Society of Middle Tennessee, the lawyer will take into consideration the fact that a referred individual is within 150% of the Legal Aid Society of Middle Tennessee guidelines for income qualification when establishing a fee for such individual for legal services performed, beyond the initial consultation.
- (i) To abide by all of the rules of the Service and will in no event hold, or claim to hold, the Nashville Bar Association or any of its officers,

members or employees liable in connection with the operation of the Service.

- 4.7 Membership on the Lawyer Panel shall continue until the member voluntarily withdraws, ceases to be qualified, or until affirmative action is taken by the Committee to terminate the registration after notice and an opportunity to be heard. A member having knowledge of any fact, which would terminate eligibility, shall so advise the Service.

V. FEES

- 5.1 Each NBA member of the Lawyer Panel will pay to the Service a nonrefundable fee of \$75.00 for the first year of membership and a renewal fee thereafter of \$75.00 per year. The annual fee for non-NBA members is \$175.00. Additional membership fees are as follows: \$35.00 for membership on the Domestic Relations Panel, \$25.00 for membership on the Criminal Misdemeanor Panel, \$25.00 for membership on the Criminal Felony Panel, \$25.00 for membership on the Personal Injury Panel and \$25.00 for membership on the Workers' Compensation Panel. Fees for the first year will be tendered with the lawyer's application, which shall be refunded if the application is not approved.
- 5.2 On all cases, fifteen percent (15%) of any fee received shall be paid to the Nashville Bar Association and used to underwrite the expenses of the Service in accordance with Formal Ethics Opinion 88F-115.

Beginning with attorney enrollments or renewals as of June 1, 2003, on all cases, the fee rate will be as follows:

15% of any fees paid to the LRS attorney.

VI REFERRAL SERVICE PROCEDURES

- 6.1 Each client-applicant shall be interviewed by the Coordinator or some other designated person. The service shall be organized so that the interview shall take place at the office of the Service or by telephone.
- 6.2 Each applicant shall first communicate with the Service office. Whenever an application or inquiry for the appointment of a lawyer is received by the Service, the Interviewer shall attempt to find out whether the applicant has a lawyer. If the applicant has a lawyer, the Interviewer shall suggest that the applicant talk to that lawyer. If, however, the applicant states that he applicant does not want to consult that lawyer, the applicant shall be referred to a lawyer according to the Service's usual procedure unless this would violate the provisions of Section 8.2.

- 6.3 In addition, the Interviewer shall find out whether the applicant has a problem appropriate for referral. If so, and the applicant meets the other requirements of the Service, the applicant shall be referred to a lawyer on the panel who has indicated willingness to accept referrals in cases involving the field or type of legal work which the client-applicant's inquiry appears to involve.
- 6.4 Before or during the interview, the applicant shall be informed, either orally or in writing, of the Service's rules applicable to the case. This includes information about the purpose of the first referral consultation, the length of time deemed appropriate for the consultation, and any other information deemed appropriate for the consultation.
- 6.5 No prospective client shall be referred to more than one member of the panel unless the lawyer to whom the client is referred declines to handle the matter on the initial consultation. A client may be referred to a second attorney for consultation if the client is dissatisfied with the initial referral. A final third attorney may be referred if the client is still dissatisfied.
- 6.6 The referred lawyer shall arrange the time and place of the consultation with the client-applicant, to be held as soon as possible after the initial interview, whether it be by telephone or in person.
- 6.7 If matters other than those contemplated in the interview develop during the consultation with the lawyer, the referral lawyer may make such arrangements for handling these matters as may be appropriate and agreeable with the applicant. Such additional legal work shall be subject to the appropriate fee participation. Matters that arise after initial consultation, which do not arise from the initial consultation, are not subject to fee participation.
- 6.8 The referral lawyer may make such arrangements with the applicant for the performance of future legal services in the matter referred as are consistent with recognized principles of legal ethics.
- 6.9 No specific minimum or maximum time limit shall be set by the Service for the length of the initial consultation with a lawyer, but it is contemplated that this will involve one-half hour to one hour, and shall include only a preliminary consultation for all but very simple matters, and shall not include the drafting of correspondence or legal instruments or the performance of services outside the lawyer's own office.
- 6.10 The staff shall prepare a roster of all lawyers on the Lawyer Panel and shall adopt procedures designed to insure that referrals are made in rotation in accordance with these rules, and without favoritism. The following procedures shall govern referrals:
 - (a) The initial members of the Lawyer Panel shall be arranged alphabetically. Lawyers added to the panel after preparation of the initial roster shall be added to the top of the roster, in the order in which their applications are approved.
 - (b) Upon determining that a client-applicant should be referred to a lawyer, the Interviewer shall start at the top of the roster of Panel

Lawyers. If the Interviewer has determined the nature of the client-applicant's legal problem, the Interviewer shall proceed down the roster in order and assign the first lawyer whose file reflects that the lawyer will accept referrals in that field or type of legal work. If the Interviewer has not determined the nature of the client-applicant's legal problem, the lawyer at the top of the roster will be assigned first. If the Interviewer is not able to assign the lawyer due to conflicts, qualifications, or other valid reasons, that lawyer shall be passed over and the procedure set forth above shall be followed until a referral is made. A lawyer whose name is passed over pursuant to the procedures outlined in this paragraph shall remain in place on the roster, and not be rotated to the bottom of the roster.

- (c) If the Interviewer assigns a lawyer who accepts the referral, the lawyer shall be rotated to the bottom of the roster. If the lawyer who is assigned declines the referral, that lawyer shall be rotated to the bottom of the roster except under the following circumstances:
 - (1) The lawyer considers that there is an apparent conflict of interest in representing the client-applicant in the matter for which the referral has been requested; or
 - (2) The lawyer considers that the matter for which the referral has been requested is not within the field or type of legal work in which the lawyer has agreed to accept referrals; or
 - (3) The lawyer declines representation on the basis of not being qualified to render the services, which will be required to represent the client-applicant in the matter for which the referral has been requested.

If the lawyer initially accepts the referral, but determines, prior to or at the time of the initial consultation with the client-applicant, that any of the circumstances stated in subparagraphs (1), (2), or (3) are present, and the lawyer thereupon refers the client back to the Service, the lawyer shall not be deemed to have declined the referral for purposes of rotation to the bottom of the roster. Upon such referral of the client-applicant back to the Service, or if the client-applicant is not referred to the lawyer, the referral procedures set forth in subparagraph (b) of Section 6.10 shall be followed until a referral is made.

- 6.11 If a lawyer to whom a client-applicant has been referred concludes that special services are required, and the lawyer does not feel qualified to render these services, the lawyer may associate with or refer the client to a qualified lawyer. In any case, the lawyer shall notify the Service of the action taken.
- 6.12 The Service should make regular and consistent attempts to follow up the operation of the Referral Service in a reasonable number of cases in order to obtain information that will enable the Service to find out 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 in such follow-up procedures should be used to make such alterations in the operation of the Service as may appear desirable to the Committee.

VII RECORDS AND REPORTS

- 7.1 The maintenance of records adequate to reflect the operation of the Service is essential and the responsibility of the Coordinator. The Service shall establish such a record system. The records shall show at least the following information for each applicant and each lawyer.
- (a) Applicants interviewed who are not referred to a lawyer and in each such case the reason for non-referral;
 - (b) Applicants referred to a lawyer and, in each such case:
 - (1) Nature of legal question involved;
 - (2) Lawyer to whom referred;
 - (3) Total amount of fee charged;
 - (4) Disposition of case; and,
 - (5) Client's comment on fee, satisfaction, etc.
- 7.2 The Committee shall adopt the necessary forms and records to efficiently operate the Service. Such forms shall include the following:
- (1) Attorney's application form;
 - (2) Client's reference and attorney's preliminary report;
 - (3) Client's comment form;
 - (4) Referrals and receipts record;
 - (5) Monthly referral record form.
- 7.3 Reports from panel members on referrals are due in the office of the Service within two weeks of the referral. Such report shall contain information regarding initial consultations, further services rendered and amount of agreed-upon fee. Failure to comply within four weeks shall be cause for the Service to remove the attorney from the rotation until such time as reports and payments shall have been made current.

VIII REFUSAL OF SERVICE

- 8.1 The service may reserve the right to decline for cause to make the facilities of the Service available to any person to the extent it may do so under the law.
- 8.2 An applicant shall not be referred to any lawyer if the applicant had previously engaged the services of a lawyer on the same matter concerning which he now desires to be referred unless the lawyer-client relationship has been properly terminated.

IX PUBLICITY

- 9.1 The Committee shall at all times maintain an adequate publicity program. Publicity and releases will take any form not inconsistent with recognized principles of legal ethics and standards of publicizing Lawyer Referral Services.

X AMENDMENT AND REPEAL

- 10.1 This Plan may be amended or the Plan may be repealed and terminated by the Board of Directors of the Nashville Bar Association.

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