

STATEMENT OF STANDARDS AND RULES

LAWYER REFERRAL & INFORMATION SERVICE (LRIS)



A PUBLIC SERVICE OF THE
STATE BAR OF NEVADA
www.nvbar.org

Frequently Asked Questions

I. Who can become a member of LRIS?

Any attorney licensed in Nevada who is and remains in good standing with the Nevada State Bar and has proof of Errors & Omissions Insurance.

II. What are the costs to me?

You pay a \$50 annual fee and 20% of net fees collected from your client. You keep the initial consultation fee of \$45.

III. When do I pay?

You remit fees to LRIS as payments are received.

IV. How are clients/attorneys selected?

The staff selects attorneys on a rotational basis, based upon the area of law needed, geographical location and foreign language requirements.

V. How am I advised of potential clients?

LRIS will send you confirmation letters for each client referred to you daily, which you will return to LRIS indicating the status of each referral. Additionally, you may receive weekly, monthly and quarterly reports to ensure that all cases have the appropriate disposition.

VI. What are the benefits of the service?

LRIS advertises statewide in the Yellow Pages, and through other means. Brochures are available to the public at statewide locations. In addition, you receive \$45 for the initial consultation fee (*except for in contingency cases*) and LRIS builds your client base.

VII. What if I decide not to represent the client?

Simply refer the client back to LRIS. Clients may not be transferred to other attorneys without prior approval from the Service.

ARTICLE ONE

Purpose

The purpose of the Lawyer Referral & Information Service (LRIS) is to assist members of the general public in need of legal assistance by providing information and referrals to attorney members in good standing with the State Bar of Nevada.

ARTICLE TWO

Organization

Section 1. Rules of Operation

These Rules shall be called the Rules of Operation of the Lawyer Referral & Information Service, sponsored by the State Bar of Nevada.

Section 2. Terms

As used herein the term "Committee" means the State Bar of Nevada Lawyer Referral & Information Service Committee; the term "Panel members" means attorneys participating in the Lawyer Referral & Information Service; the term "Client" means clients requesting legal referrals from the Lawyer Referral & Information Service; the term "Service" or "LRIS" means the State Bar of Nevada Lawyer Referral & Information Service; the term "Executive Director" means the Executive Director of the State Bar of Nevada.

Section 3. Administration

The Service shall be operated in accordance with these Rules and any amendments thereto as may be adopted in the future by the Board of Governors of the State Bar of Nevada. The Service shall be administered by the Board of Governors of the State Bar of Nevada.

Section 4. Management

The Service will be managed by the Executive Director who, together with other designated personnel selected and supervised by the Executive Director, shall be subject to the approval and continuing jurisdiction of the Board of Governors. The Executive Director or designee shall make periodic reports to the Committee as requested by the Chair of the Committee. The Executive Director or designee shall keep such records as are required by the Committee or the Board of Governors.

ARTICLE THREE

Administration

Section 1. Attorney Eligibility

Any attorney member with the State Bar of Nevada in good standing as defined in these Rules and engaged in the active practice of law in the state of Nevada may apply for registration with the Service by submitting a completed application, resume, proof of errors and omissions insurance with minimum coverage of \$250,000 per claim, with \$500,000 aggregate limits, and by paying the non-refundable, annual registration fee of \$50.00. Additionally, prospective attorneys agree to pay any fees due, render any reports upon request and otherwise abide by the rules of the Service.

Section 2. Fiscal Year

The fiscal year for the Service shall run from April 1 through March 31 of each calendar year. Failure of panel members to renew their membership on or before March 31 of each year shall result in an automatic suspension as set forth in Article 3, Section 5. After suspension, re-registration of these panel members shall occur pursuant to Article 3, Section 1, of these rules.

Section 3. Panel Areas

The Committee shall establish subject matter panels in the areas of law it deems appropriate. Referrals generally shall be made in rotation subject to such exceptions warranted by the special geographical, linguistic or other considerations of the client.

Section 4. Disclaimers

The Service will send a confirmation/disclaimer letter to each client referred at the address given. The disclaimer will state "A referral to an attorney, who has indicated a willingness to accept referrals in a particular area of law, does not mean that the State Bar of Nevada Lawyer Referral & Information Service or any other agency or board has certified such lawyer as a specialist or expert. This does not mean that such attorney is more qualified than any other."

Section 5. Suspension or Removal of Panel Members; Appeal process

Panel members may be suspended or removed upon failure of a member to do any of the following:

- [a] pay the annual registration fee,
- [b] maintain the required errors and omissions insurance,
- [c] maintain good standing as defined in Article Three, Section 6 of these rules,

- [d] forward all referral fees when due,
- [e] submit all required reports, or for
- [f] falsifying any material statement made in application to the Service or in any required report, or for
- [g] good cause, including but not limited to violations of Supreme Court Rules or any provision of these Rules, or in the sole discretion of the Committee.

The Committee may suspend or remove a member for any action or inaction which, in the reasonable discretion of the Committee, warrants suspension or removal. If a panel member attorney feels as though they have been unjustly removed, the member may appeal in writing to the Nevada Lawyer Referral and Information Service within 30 days of the suspension or removal. All suspensions, removals or disciplinary matters shall be forwarded to and handled by the appropriate State Bar of Nevada department. For example, a suspension from the service because of a violation of the Nevada Supreme Court Rules shall be referred to the State Bar of Nevada Lawyer Discipline department.

Section 6. Good Standing Defined

An attorney who has been admitted to practice law in the State of Nevada by the Nevada Supreme Court shall be considered in good standing unless one or more of the following events shall occur:

- [a] Suspension – pursuant to Nevada Supreme Court Rule 98,
- [b] Disbarment, Suspension, or Temporary Restraining Order imposed by the Nevada Supreme Court Rule 102,
- [c] A recommendation of disbarment or suspension pursuant to Nevada Supreme Court Rule 105 (2)(D),
- [d] Suspension pursuant to Nevada Supreme Court Rule 111(1), or
- [e] Suspension pursuant to Nevada Supreme Court Rule 117.

Section 7. Withdrawal from Service

Any panel member may withdraw from the Service at any time, although said panel member shall remain liable for all fees generated from any and all LRIS referrals, and, additionally, shall remain responsible for completing and submitting all reports on LRIS referrals as requested.

Section 8. Fee Structure

All panel members must render professional services to clients referred by the Service within the following fee structure:

- [a] Initial consultation – the maximum initial consultation fee is \$45, except that the initial consultation fee is waived for contingency fee cases (Worker’s Comp, Negligence, Social Security matters and some Insurance law matters);
- [b] The fee schedule is subject to the following qualifications:
 1. Consultation fees specified in [a] above do not include preparation of any legal documents (consultation fees are retained by the attorney);

2. All compensation for further services will be subject to agreement between attorney and client;
3. Disputes as to fees, at the request of client, shall be submitted to the Fee Dispute Committee of the State Bar of Nevada.

Section 9. Refer Back Procedures

Clients referred by the Service to panel members are to receive their initial consultation by the panel member referred only. If in the opinion of the panel member, the client needs further legal services which the panel member is unable to provide, the panel member shall do one of the following: (1) refer the client back to the Service, or (2) notify the Service that the client is being referred to any other attorney who is a panel member of the Service. Panel members may not refer any case received from the Service to any other attorney or firm without first notifying the Service. Panel members who refer a referred client to, or associate with, new counsel must do so with the Lawyer Referral Service's written consent. In all cases, the initial panel member shall remain liable to the LRIS for 20% of all fees collected (see section 13, *infra*) in the matter until written consent from the LRIS is sent to both attorneys involved and consent is then received from the transferee attorney at the LRIS offices.

Section 10. Panel Member's Record Keeping Obligations

Each panel member shall keep a record of the name of each client referred through the Service, the date of the referral, the general nature of the matter referred, and the total fee received. Upon receipt of a fee or portion thereof or upon disposition of the matter, the attorney shall report to the Service on the matter. Said report shall include pro rata payment of any fees collected. Panel members shall execute a Disbursement Agreement (to be provided by the Service) with the referred client at the conclusion of each full contingency fee case that fully explains the allocation of the case's fees and costs. A copy of this agreement may be requested by the Service at any time. In addition, the Committee also reserves the right to demand an accounting of any case referred as well as a complete audit of that matter. Further, the Committee may request information from clients relating to referrals to panel members. It is the responsibility of panel members to notify the Lawyer Referral Service if there is a period of time of one week or more in which the attorney will be unavailable for referrals because of vacations, caseload or any other reasons.

Section 11. Ethical Considerations

Each panel member shall be guided, governed and bound by the Nevada Supreme Court Rules, the Rules of Professional Conduct governing attorney conduct, and by these Rules of Operation. Any discovered ethical violations, including failure to abide by these Rules of Operation, will be promptly reported by the Committee to the Discipline Department of the State Bar of Nevada, and may further result in suspension of the attorney/panel member by the LRIS. **In all cases, panel member attorneys shall not contact 'prospective LRIS referred clients' before said client shall have first made contact with or have attempted to make first contact with the panel member attorney (see Nevada Supreme Court Rule 197).**

Section 12. Membership in the State Bar of Nevada LRS

No lawyer shall be registered in the Service unless the lawyer (a) is a member in good standing of the State Bar of Nevada, as defined in these Rules, engaged in the active practice of the law in the State of Nevada; (b) has not at any time during the preceding five (5) years prior to application either been under suspension from practice or disbarment by the State Bar of Nevada or any other bar, or serving a sentence or been on probation for a crime involving moral turpitude; (c) maintains errors and omission insurance, in the minimum of \$250,000 per claim, with \$500,000 aggregate limits, (d) waives liability and agrees to indemnify and hold harmless the State Bar of Nevada and its members (and the Committee and its agents) from any claims, demands, actions, liability or loss which may arise from, or be incurred as a result of, the operation of the Service or referrals, of clients to him or her through the Service, or the use of information contained in the registration form. Furthermore, the attorney must read the Rules of Operation and must agree to follow them as a condition precedent to participation in the service.

Section 13. Percentage Fee Basis

Each panel member agrees to pay to the Service twenty percent (20%) of all net fees received by the panel member from any referral made by the Service, **except that the panel member shall keep the initial consultation charge.** Net fees are defined as the total fees remaining after deduction of out-of-pocket costs. Subsequent to accepting a referral, regardless of panel description and so long as it arose out of the same transaction or occurrence, the panel member and the law firm of the panel member shall remain responsible for all percentage fees due the Service. Any dispute regarding percentage fees owed to the Service will be resolved by binding arbitration.

ARTICLE FOUR

Amendments

Section 1. Amendment Procedures.

These Rules may be amended or repealed by a majority vote of the Committee subject to final approval by the Board of Governors of the State Bar of Nevada.

I _____, do hereby declare:

I am an attorney in good standing with the State Bar of Nevada and will abide by the Rules of the Supreme Court of Nevada, the Rules of Professional Conduct governing attorney conduct, and the Rules of Operations of Lawyer Referral & Information Service (LRIS).

I hereby indemnify and hold harmless the State Bar of Nevada and its members (and the Committee and its agents), from any and all claims, demands, actions, liability or loss which may arise from or be incurred as a result of the operation of the Service or referrals of clients to me through the Service, or the use of information contained in the registration form; and agree that the information contained in the registration form may be furnished to referred clients.

I have and shall maintain in force a Lawyer's Professional Liability Insurance policy with a minimum coverage of \$250,000 per claim with \$500,000 aggregate limits.

I warrant that I have not at any time during the preceding five (5) years prior to application either been under suspension from practice, other than for non-payment of State Bar dues from a state other than Nevada, or disbarment by the State Bar of Nevada or any other state bar, or serving a sentence or been on probation for a crime involving moral turpitude.

Attorney Signature

Date

Your signature indicates that you have read the Statement of Standards and Rules in its entirety, and that you agree to all of the terms and conditions contained therein.

Also please make a copy to keep for your records and future reference.

It is the responsibility of the attorney to notify the Lawyer Referral & Information Service of any of the following:

- Address changes
- Association with any attorney outside of the service
 - Departure from your current firm or office
 - Panel selection changes
- Any disciplinary actions pending with the State Bar
- If you will not be accepting referrals for any specific length of time beyond one week

Please make a copy to keep for your records and future reference.

Thank you for your participation in the Lawyer Referral & Information Service.