

Washington Lawyers for the Arts Lawyer Referral Service Policies and Procedures

All rules and procedures fall within the scope of the US Supreme Court model rules for Lawyer Referral and Information Services.

1. **Purpose.** The Lawyer Referral Service (“Referral Service”) of the Washington Lawyers for the Arts (WLA) exists to provide legal referrals to connect members of the public to qualified attorneys.
2. **Management.** The Referral Service is managed by the Referral Service Committee appointed by the Board of WLA. Administration of the Referral Service is delegated to the WLA staff who screen potential clients and make referrals to panel attorneys when appropriate. Communication with potential clients and panel attorneys will be shared with only those members of the Referral Service Committee with a need to know the content of the communication. Certain communications may be shared with the entire Referral Service Committee or the entire Board of the WLA upon notice to the relevant potential client or panel attorney.
3. **Membership.** An attorney must meet the following requirements in order to be an attorney member of the Referral Service:
 - a. Be an active member of WSBA in good standing.
 - b. Agree to abide by the rules and procedures of the Referral Service.
 - c. Have at least three years of experience in the relevant practice area(s), or work on the referred matter under the supervision of a lawyer with at least three years experience in the relevant practice area(s).
 - d. Where required, meet certain subject matter experience requirements for panel membership. If requested by WLA, prospective panel members must complete an experience form to show they meet the requirements for those panels. Experience standards are set by the Referral Service Committee from time to time.
 - e. Have not been removed from the panel within the previous six months, pursuant to these rules.
 - f. Maintain an errors and omissions liability insurance policy.
 - g. New panel members for the Referral Service may be interviewed by the WLA Chair or a Referral Service Committee member prior to activation on the panel.
4. **Panel Operation.**
 - a. Referrals are made on a rotating basis within subject matter panels, with consideration of the nature of the client's case and geographical location.
 - b. If the panel member will be unavailable for more than a week, Referral Service should be notified and the panel member will be placed on inactive status for the period of unavailability.
 - c. WLA staff will screen the client to determine the nature of the client's issue and if appropriate make a referral. WLA are not acting as panel attorneys and cannot make decisions about the merits of a case.
 - d. Referrals are made without regard to race, color, creed, national origin, sex, age, religion, sexual preference, or actual or perceived disability of either the client or the attorney.
 - e. Client satisfaction questionnaires will be mailed to evaluate the service provided by the Referral Service and panel attorneys.

- f. Quarterly case questionnaire statements will be sent to panel members for all cases shown as pending according to the Referral Service database. Questionnaires shall be updated and returned to the Referral Service within ten (10) days.

5. Panel Member Responsibilities.

- a. The panel member shall provide the referred client with a half-hour consultation without charge.
- b. If the client retains the panel member, the panel member and client shall enter into a written fee agreement in advance of performing services beyond the first half-hour consultation.
- c. If the panel member is unable to accept a referred case, the client must be referred back to the Referral Service for further referral. An email should be sent to the Referral Service program specifying why the case cannot be accepted (not viable, needs help in different area of law, conflict, etc.). This will significantly help the Referral Service staff improve the quality of referrals. If a referral is made to a panel member in error, or the case is found to not be meritorious, the panel member may be restored to her/his place on the rotation.
- d. The panel member shall return the referral confirmations and quarterly statements to Referral Service within ten (10) days of receipt. If statements are two quarters delinquent, the attorney may be removed from the Referral Service until all statements are up to date.
- e. Client referrals are made to individual lawyers, not law firms. The panel attorney is responsible for submitting case status questionnaires.
- f. If a panel attorney terminates practice or leaves a firm, the case remains the responsibility of the assigned panel attorney. A client may not be referred to another member of a firm, even if that lawyer is a member of the Referral Service program. If the attorney is not in a position to retain the case, the attorney must contact the Referral Service to determine the best option for the client.

6. Suspension or Removal from Panel. The Referral Service Committee may reject an attorney's application for panel membership or suspend or remove an attorney for any of the following reasons:

- a. One or more complaints substantiated by a preponderance of the evidence involving failure to perform promised work, failure to communicate case status, rudeness towards clients, or actions that are discriminatory.
- b. The membership or the continued membership of the attorney is likely to bring discredit or disfavor on, or otherwise adversely affect, the Referral Service. Professional discipline, short of suspension or disbarment, shall be considered as to the attorney's continued membership in Referral Service.
- c. Failure to carry professional malpractice insurance.
- d. Conduct that indicates the applicant/member cannot properly perform as a panel member.
- e. Failure to cooperate with the Referral Service Committee or staff in any way, including an investigation concerning a complaint.
- f. Failure to abide by any Referral Service rules or procedures.
- g. Failure to submit case questionnaires for two consecutive quarters.

7. Client Complaint Procedure.

- a. A client with a concern or complaint regarding the Referral Service or a panel member may request a complaint form, including a request to waive attorney-client privilege with respect to information relevant to the complaint. A complaint process

will be opened by WLA only upon receipt of a completed complaint form from a client.

- b. The Referral Service will notify the panel attorney and gather additional information from both the client and the panel attorney.
- c. Failure by the client to provide requested information will result in the closing of the complaint. Failure of the attorney to provide such information may result in a decision to remove or suspend the attorney from the panel.
- d. If the Referral Service believes that reasonable grounds exist for suspension or removal, the Referral Service will so notify the panel member.
- e. If the matter appears to be an ethical complaint, the client may also be referred to the WSBA.
- f. If the Referral Service recommends suspension or removal of the panel member for any reason, the member may request review by a three-person review committee appointed by the Referral Service Committee chairperson.
- g. The review panel will make a recommendation to the full Referral Service Committee, which will determine the action to be taken. There will be no further right of review.

8. Reinstatement of Suspended Panel Member.

- a. If the panel member has been removed due to a complaint, the attorney may reapply six months after removal upon a showing that the problem has been corrected. Reinstatement is in the sole discretion of the Referral Service Committee.
- b. If the panel member has been removed due to failure to abide by the administrative provisions of these rules, the member may apply to be reinstated upon compliance. Reinstatement is in the sole discretion of the Referral Service Committee.

9. Indemnification.

- a. The panel member agrees to indemnify and defend Washington Lawyers for the Arts, its board of directors, employees, authorized volunteers, agents and staff, from any and all claims, actions, losses, damages, expenses or other liabilities (including without limitation, attorneys' fees, costs and expenses) arising from any negligent or intentional act or omission of the panel member. Notwithstanding and without limiting the foregoing, (i) Washington Lawyers for the Arts may participate in the defense of any claim or allegation subject to this indemnification obligation at its own expense and (ii) no panel member will execute any settlement or other resolution of any claim or allegation subject to this Indemnification obligation without the prior written consent of Washington Lawyers for the Arts. In addition, the panel member agrees to waive any and all claims against Washington Lawyers for the Arts, its board of directors and staff for loss arising from the operation and policies of the Referral Service.