RULES FOR THE LAWYER REFERRAL SERVICE

OF SANTA CRUZ COUNTY

July 1, 2020 to June 30, 2021

(Retain for Your Records)

SPONSORED BY THE SANTA CRUZ COUNTY BAR ASSOC. INC.
A NON-PROFIT CORPORATION AND CERTIFIED BY THE STATE BAR OF CALIFORNIA (#0055)
P.O. Box 1311, Santa Cruz, CA 95061
Phone: (831) 425-4755

Membership shall be for the fiscal year. Acceptance for current fiscal year does not guarantee acceptance for any following years. Each member shall apply annually.

RULE 1 DEFINITION OF THE LAWYER REFERRAL SERVICE
Lawyer Referral Service is certified by the State Bar of California (#0055) and sponsored by the Santa Cruz County Bar Association in order to help the public get legal advice at a reasonable fee. For $50 LRS arranges for a person to meet with an LRS lawyer who handles the type of law needed. The meeting is for up to 1/2 hour. If the client wants to retain the LRS lawyer's services,

then those arrangements are made between the client and the lawyer; LRS is not involved.

RULE 2 PURPOSES OF THE LRS

The purposes of the LRS are as follows:

1. To refer a person seeking assistance to a lawyer.
2. To improve the quality of legal services available to the public, and
3. To provide attorneys with potential clients.

RULE 3 CRITERIA FOR MEMBERSHIP

To qualify for membership on an LRS panel, an attorney must meet the following criteria:

1. Be in good standing with the State Bar of California.
2. Regularly practice and maintain a professional office in Santa Cruz County (no home offices permitted),
3. Maintain and provide errors and omissions insurance or a bond in an amount that meets or exceeds the sum set forth in the Application for Membership,
4. Meet other criteria set forth in the Application for Membership and these Rules, and
5. Agree to abide by these Rules and the provisions of the attached Application for Membership.

RULE 4 REQUIREMENTS FOR PANEL MEMBERSHIP

1. **Appellate**
   Panel Member must be a California Certified Legal Specialist in Appellate Law or must have handled at least one appeal through briefing in the specific panel areas checked.

2. **Bankruptcy**
   Be a California Certified Legal Specialist in Bankruptcy Law or have handled at least three matters in the specific panel areas checked.
3. **Business**
   Panel member must have handled at least two matters to a conclusion in the specific panel areas checked.
4. **Civil Litigation**
   Panel member must have handled at least two bench trials or one jury trial from discovery to judgment.
5. **Collection**
   Panel member must have handled at least two collection matters to settlement or judgment.
6. **Consumer Law**
   Panel member must have familiarity with the laws applicable to the specific panel areas checked.
7. **Criminal Defense/Juvenile**
   Be a California Certified Legal Specialist in Criminal Law or have the following experience:
   (a) **Misdemeanor Panel** – Have handled at least five misdemeanor matters within the past three years. These may include trials or representation through disposition, and at least one of the matters must have included an adversary hearing, other than sentencing, involving a contested issue of fact or law. Applicant must also have completed twelve hours of training in criminal law in the past twelve months.
   (b) **Felony Panel** – Have practiced criminal law for one year or handled 50 misdemeanor cases, completed three trials to verdict, and completed twelve hours of training in criminal law in the past twelve months.
   (c) **Major Felony Panel** – Meet the requirements for the Felony Panel above, plus have practiced criminal law for three years, handled at least

20 felony matters, for to jury verdict, and completed 12 hours of training in sexual and child abuse cases.

(d) **Juvenile Delinquency** – Completed a minimum of 12 hours or training or education in the areas of law listed in the California Rules of Court 5.664(b)(2); or dedicated 50% of panel member's practice each year during the most recent three calendar years to juvenile delinquency with demonstrated competency.

8. **Elder/Youth Law**

   For the areas below, panel members must have the following experience:

   (a) **Elder Law** – Have handled at least three elder law matters from start to completion related to qualification for public benefits and protection of assets.

   (b) **Adoption** – Have handled at least three adoption matters from start to completion.

   (c) **CPS/Dependency** – Qualify for court appointment by meeting the requirements of the Superior Court of California County of Santa Cruz Local Rules of Court 6.2.06 and 6.2.07.

   (d) **Emancipation** – Have handled at least one matter from start to completion.

9. **Employment**

   Panel member must have taken at least one matter to administrative review, arbitration, or trial in the specific panel areas checked.

10. **Estate Planning, Wills & Trusts, Powers of Attorney, Trust Administration**

    Panel member must be a California Certified Legal Specialist in Estate Planning/Probate/Trust Law or have the following experience:

    (a) Handled two estate settlement proceedings, including a probate through final distribution.

    (b) Prepared two dispositive instruments, at least one of which involved a testamentary or living trust.

(c) Completed within the last 12 months three hours of continuing education in Estate Planning.

11. **Estate Admin, Probate, Conservatorship/Guardianship, Elder Abuse, Litigation**

Panel member must be a California Certified Legal Specialist in Estate Planning/Probate/Trust Law or have handled at least two civil or probate trials from discovery to verdict or decision, or two contested conservatorship, guardianship, or elder abuse proceedings to decision.

12. **Family Law**

Panel member must be a California Certified Legal Specialist in Family Law or have the following experience:

(a) **Dissolutions** – Have handled two marital dissolution matters to judgment, (at least one of which was a dissolution with minor children) and two contested order-to-show-cause/request for order proceedings.

(b) **Prenups**, panel member must have handled two prenups to conclusion.

(c) **QDROs** – Must have a practice focus on drafting QDROs or have drafted at least QDROs through plan administrator approval and entry by the court.

13. **Government Benefits**

Panel member must have familiarity with applicable laws and have handled at least two matters involving government benefits.

14. **Immigration/Naturalization**

Panel member must be a California Certified Legal Specialist in Immigration Law or have handled at least two matters involving immigration and naturalization.

15. **Insurance Coverage**

Panel member must have familiarity with applicable laws and have handled at least two matters to conclusion.

16. **Landlord/Tenant**

Panel member must have handled at least three matters in the specific panel areas checked.

17. **Malpractice Legal and Medical** (no panel fee)

For each Malpractice subpanel, members must have completed two jury trials (criminal and civil) and settled two malpractice cases in which complaints were filed.

18. Patent/Trademark/Copyright

Panel member must be admitted to the U.S. Patent and Trademark Office of have handled or litigated one copyright or trademark matter

19. **Personal Injury/Torts**

Panel member must have handled the following:

(a) Five personal injury, wrongful death or torts cases.

(b) One discovery plan including interrogatories, depositions, and requests for admission.

(c) One judicial settlement conference or mediation, and

(d) One contested court or jury trial.

20. **Real Property**

Panel member must have handled at least three matters to a conclusion in the specific panel areas checked.

21. **Small Claims**

Panel member must have familiarity with Small Claims procedures.

22. **Taxation**

Panel member must be a California Certified Legal Specialist in Tax Law or meet one of the following experience prerequisites:

(a) Five years of experience in taxation practice in a law firm or accounting firm.

(b) An LLM in taxation.

(c) Completion of at least five IRS Tax Board audits, or

(d) Completion of two tax proceedings through the IRS Office of Appeals.

23. **Traffic**

Panel member must be familiar with Department of Motor Vehicles sanctions and administrative procedures, and laws regarding traffic violations.

24. **Worker's Compensation**

Panel member must be a California Certified Legal Specialist in Workers' Compensation Law or have handled three industrial accident cases through award, including one contested hearing before a referee.

25. **General Panel**(to be specified in application)

Includes all matters related to issues not expressly applicable to any other Subject Matter Panel; panel member must have competency through education or experience in the subject matter panel.

RULE 4.A. ARBITRATION AND MEDIATION

NOTE: The Santa Cruz County Bar Association's Lawyer Referral Service does not offer Arbitration or Mediation panels currently. The requirements below will apply in the event such panels are added:

Arbitration- Panel members must have been admitted to the practice of law for at least ten years and have served as a neutral in at least 5 arbitrations.

Mediation

Panel members must have completed at least five days of continuous participatory education or training including role playing in mediation and have participated as a mediator or co-mediator in at least five mediations; or have completed at least two days of continuous, participatory education or training including role playing in mediation and have participated as mediator or co-mediator in at least 15 mediations; or provide other satisfactory evidence of mediation skills and experience.

RULE 5 MEMBERSHIP FEES

1. Membership fees are $200.00 per year.
2. Membership fees for attorneys who are not members of the Santa Cruz County Bar Association are $300.00 per year.
3. Panel fees are $30.00 each unless “no panel fee” is indicated.
4. Payment must be included with the attorney’s application form. An attorney who is also joining the SCCBA must include that application and and fee payment as well.
5. Fee reduction: An applicant and continuing member submitting an application between July 1 and December 31 must include full membership and panel fees. Total fees will be reduced by 50% for any application submitted between January 1 and June 30.

RULE 6 CLIENT FEES

1. Clients referred through LRS shall pay a $50.00 initial consultation fee.
2. LRS attorneys are free to contract with LRS-referred client for services to be rendered beyond the one-half hour consultation under their regular fee schedule; the fees charged to LRS clients shall not exceed those which would be charged to the clients who are not LRS referrals.
3. LRS attorneys must notify a client at the outset of representation that a portion of the fees are payable to LRS, and that LRS is entitled (a) to know the outcome of any legal representation, (b) to know the fees received by the LRS attorney and any other attorney with whom the attorney associates in the course of representation of the client, and (c) to audit the file to check for fees paid. Upon any settlement, the LRS attorney must include LRS among those who have a right to know about

a settlement to the extent necessary to allow LRS to determine the portion of the LRS attorney's fees to which it is entitled.

4. Fees shall be paid to LRS in the following manner:
    1. The client's $50.00 cash fee payment shall be collected by the LRS attorney and forwarded by check to the Lawyer Referral Service. The attorney shall, **WITHIN SEVEN DAYS** from the date of appointment, mail the fee to the LRS office at P.O. Box 1311, Santa Cruz, CA 95061, together with the appropriate LRS blue form. If the attorney fails to collect the $50.00 fee at the time of appointment, the attorney is responsible for contacting the client to collect and forward it. The LRS office will not be responsible for collecting this fee.
    2. **The attorney shall forward to LRS (15%) of the NET fees paid by the client as they are collected from client and earned. This fee is over and above the $50.00 initial consultation fee.** The attorney shall use the Percentage Fee Transmittal Slip forms provided by the LRS Office when forwarding the 15% NET fees. The attorney must complete all applicable fields on the form and use a separate form for each LRS client.
5. The initial consultation fee shall be waived if the client meets low income status. This waiver of the initial consultation fee is determined by the LRS staff and not by the lawyers or their staff. The waiver does not change the attorney's obligation to forward 15% of any other fees paid by the client as set forth in paragraph 4(b) above.

RULE 7 REFERRAL FEE TO LRS; WRITTEN FEE AGREEMENT

In compliance with Business and Professional Code Section 6148, the attorney and the client shall have a written fee agreement that discloses the payment under Rule 6.4 (b) in a form substantially as follows:

[CLIENT NAME] was referred by the Lawyer Referral Service of Santa Cruz County. Fifteen percent (15%) of any attorney fees will be forwarded to the LRS in accordance with LRS rules. This referral fee arrangement shall not increase the client's fees for legal services beyond that which the client would normally pay.

RULE 8 BINDING ARBITRATION OF FEE DISPUTES

An LRS-referred client who disputes the attorney's fees may elect to submit the dispute for resolution by binding arbitration through the State Bar's Mandatory Fee Arbitration program.

RULE 9 REFERRAL PROCEDURES

1. Referrals shall be made on a rotating basis, in a fair and impartial manner, to a member of an appropriate panel, while considering the client's circumstances, including the type and degree of difficulty of the legal problem presented, geographical convenience, and language needs.
2. No referral shall be made or refused on the basis of citizenship, national origin, race, gender, age, religion, sexual preference, disability, medical condition, marital status, political affiliation or veteran status.
3. No referral shall be made that violates any provision of the State Bar Act or Rule of Professional Conduct, including restrictions against unlawful solicitation and false and misleading advertising.
4. No LRS attorney shall receive more than 12 percent of the overall fee-generating referrals of the LRS.
5. All persons seeking the assistance of an attorney through the LRS shall contact LRS staff who will screen the inquiries for type of case, complexity, and level of experience required to meet the client's legal needs. The client shall then be referred to a panel attorney, and an office

appointment shall be made at a mutually agreeable time for attorney and client by the LRS staff. Clients are informed at time of scheduling appointments with the LRS office that they should contact the LRS office if they need to cancel or reschedule the appointment.

6. Whenever the attorney is unavailable to schedule an appointment with a client, the attorney's name will be moved to the bottom of the rotation schedule within the panel.
7. The attorney shall not give telephone advice to the client in lieu of the LRS initial consultation unless arranged by the LRS office due to special circumstances.
8. LRS is responsible for screening each client. The attorney shall not call the client in advance of the initial consultation for any reason other than an emergency rescheduling. In that event, the attorney will not discuss the client's the legal problem. LRS will be informed of any rescheduling.
9. The attorney shall contact LRS immediately and refer the client back to the LRS in the following circumstances:
    1. The attorney or the client cannot keep the scheduled appointment.
    2. The attorney has a conflict of interest, in which case the attorney shall not collect the referral fee and shall refer the client back to the LRS Office immediately.
    3. The attorney cannot handle the referral, in which case, the attorney shall neither collect the referral fee nor refer the client to any other attorney.
10. If a client is a "no show," the attorney will immediately notify LRS so that it may determine the reason for the no-show.

RULE 10 ONE-YEAR FOLLOW-UP PERIOD

Any LRS client who returns to the same attorney on the same matter within one year will still be considered an LRS referral. The attorney shall forward to LRS 15% of fees collected under Rule 6.4(b).

RULE 11 WORKERS' COMPENSATION – REFERRAL FEE

Because state law prohibits Workers' Compensation referral fees, no initial consultation fee is charged and clients are grated a Fee Waiver by LRS Staff. Fifteen percent of fees collected at the conclusion of the case will be forwarded to the LRS office.

RULE 12 PROHIBITION ON FURTHER REFERRALS

1. An attorney who has accepted a case on behalf of an LRS-referred client may not refer the client to another attorney for any reason without LRS's written consent.
2. In no event shall an LRS attorney refer any LRS client to any other attorney regarding the same referral matter, whether the other attorney is in the same office, paid hourly, or otherwise. LRS clients must be referred back to LRS for further referral regarding the original matter.

RULE 13 CONDUCT OF LRS ATTORNEYS

1. Each attorney shall be guided, governed, and bound by the following: (a) Rules of Professional Conduct of the State Bar of California; (b) The Minimum Standards for Lawyer Referral Services in California, as adopted and amended from time to time by the State Bar; and (c) Rules of the Santa Cruz County LRS. A copy of the minimum standards shall be provided to each member of LRS.

2. Each panel attorney agrees to hold harmless the LRS, the Bar Association and their officers, directors, or staff members from any error or omission arising out of the operation of the service or any referral made by LRS.
3. Each attorney participating in LRS shall have coverage under an errors and omissions policy or a bond in minimum amount of $100,000, and provide a copy of the policy or bond with the Membership Application and agree to maintain it in force while a member of LRS.
4. Each attorney shall complete an Application for Membership on a form prepared by LRS, complete other forms as LRS may require, and respond to inquiries from LRS regarding LRS-referred clients and the conduct of their cases.
5. Each attorney shall keep complete and accurate records of all financial transactions with LRS clients, including all retainers received from LRS clients, all billings submitted to any LRS client, and all fees paid for work completed or services rendered on an LRS referral by attorney. The attorney shall, upon ten days prior written request, provide LRS free and total access to these records.
6. Attorneys shall at all times maintain professional conduct, demeanor and premises. Attorneys shall be respectful to LRS clients and shall conduct themselves in a manner that furthers the purposes of LRS. Attorneys shall provide a quality legal consultation in an effort to address the clients' concerns. Attorneys shall not use the consultation time as an opportunity to pressure or coerce a client to engage their services.

RULE 14 REVIEW OF LRS ATTORNEYS

1. Upon receipt of the membership application, the initial review will be made by the Executive Director or Assistant Director. Then a designated subcommittee of the LRS Committee, consisting of two members, shall review the application in accordance with Attachment B, LRS Procedure for Reviewing Qualifications for Panel Membership.
2. In compliance with the State Bar Minimum Standards for Lawyer Referral Services, the Governing Committee for Lawyer Referral Service (with the approval of the Board of the Santa Cruz County Bar Association) has established a system of peer review on the performance of participating attorneys. The Governing Committee has also established a system to provide clients an opportunity to express satisfaction with the services received by the staff of the LRS and the attorney. This is done by the return of an evaluation card from the client after an appointment with the attorney. Attorneys are encouraged to review their evaluation cards from time to time during the membership year.
3. LRS attorneys in their first year of membership will be reviewed at six months and at the end of the first year.
4. In accordance with LRS Disciplinary Procedures (Attachment C), LRS may, for good cause, suspend or terminate the privilege of any attorney to serve on any LRS panel. Each attorney adversely affected by this Rule shall be provided with a written statement of the reasons for such action and be accorded an opportunity for a full and fair

hearing. Good cause shall be defined as negligence, or willful and intentional misconduct that violates these rules and/or that causes injury to an LRS referred client.

5. LRS attorneys shall, upon ten days prior written request from the LRS, comply with reasonable requests to provide information to LRS concerning acceptance or rejection of cases, handling of cases, client complaints, and attorneys' fees.

RULE 15 ADOPTION OF RULES

These rules shall be effective upon approval by the LRS Governing Committee. A copy shall be forwarded to the State Bar of California for its records and review.

RULE 16 AMENDMENT OF RULES

The LRS Governing Committee may amend these rules to comply with law or State Bar rules, or to improve LRS operations and services.

EXHIBIT 1 – CRIMINAL LAW PANELS

Panel member must be a Certified Legal Specialist in Criminal Law or have the following experience:

I. **Misdemeanor Panel**

Applicant must have handled at least five (5) misdemeanor matters within the past three (3) years. These may include trials or representation through disposition. In addition, at least one of said matters must have included an adversary hearing, other than sentencing, involving a contested issue of fact or law.
Applicant must have completed twelve hours of training in criminal law in the past twelve months.

II. **Felony Panel**[1]

1. Applicant must have practiced criminal law for one year or handled 50 misdemeanor cases and completed at least three trials to verdict.
   AND
2. Applicant must have completed twelve hours of training in criminal law in the past twelve months.

III. **Major Felony Panel**[2]

1. Applicant must meet all of the requirements for II Felony Panel A and B above.
   AND
2. Practiced criminal law for three years.
3. Handled at least 20 felony matters, four to jury verdict.
4. Completed 12 hours of training in sexual and child abuse cases.

IV. **Juvenile Delinquency**
Applicant must have practiced law for three years with at least six months practice in the area of juvenile delinquency, which may be waived if:

1. Applicant has handled five trials and at least four juvenile matters through disposition; or
2. Served one year as a prosecutor or public defender in juvenile delinquency; and
3. Completed 12 hours of CLE in the past year in a relevant area.

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1 Any felony offense not included in ß1192.7 PC (see Major Felony Panel, below).

2 “Major felony” is defined as any criminal offense listed in ß1192.7 PC, to≠wit:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) forcible sodomy; (4) rape; (5) forcible oral copulation; (6) child molesting; (7) any offense punishable by death or life imprisonment; (8) any felony in which defendant inflicts great bodily injury or uses a firearm; (9) attempted murder; (10) assault with intent to rob or rape; (11) arson; (12) exploding a destructive device; (13) residential burglary; (14) robbery; (15) kidnap; or (16) selling or furnishing dangerous drugs to a minor.