

PROCEDURAL HANDBOOK
FOR
LAWYER REFERRAL SERVICE MEMBERS

South Carolina Bar
Post Office Box 608
Columbia, SC 29202

PROCEDURAL HANDBOOK FOR LAWYER REFERRAL SERVICE MEMBERS

The Lawyer Referral Service (LRS) has extensive rules and procedures for the operation of the Service. The LRS trusts that you have read those rules, but is providing you with general information to make your day-to-day participation easier.

CONTENTS

I.	Becoming an LRS Member	3
A.	Information About You.....	3
II.	The Referrals.....	3
A.	The Referral to Your Office.....	3
C.	Contact with the Potential Client.....	4
D.	If You Are Unable to Assist the Potential Client.....	4
III.	Percentage Fee Calculation.....	4
IV.	Forms and Other Paperwork	5
	Proof of Insurance.....	5
V.	Your Availability	5
VI.	Client Feedback	5
	Client Satisfaction Survey.....	5
	Complaint Process.....	6
VII.	Sanctions	6
	Temporary Deactivation of Membership.....	6
	Suspension from the Service.....	6
	Permanent Removal.....	6
VIII.	Reporting.....	6
	Confirmation Report.....	6
	Annual Case Report.....	7
	Open Case Report.....	7
	Referral Numbers.....	7

I. Becoming an LRS Member

Any active lawyer in good standing before the South Carolina Bar may apply for membership if he or she has at least two years of experience in the area of practice for which he or she seeks referrals and has regularly handled matters in the designated practice areas. If the lawyer has ever been suspended or disbarred by the Supreme Court for disciplinary reasons, he or she will be denied registration in the LRS. (See Rule III(C) of the LRS Rules.)

LRS grants membership in the service to individuals only, not law firms. Please have the members of your firm who may handle referrals from the LRS apply for membership. (See LRS Rules Preamble.) If someone in your office who is not on LRS does handle a case, LRS will retain the client as active in the records of the referred lawyer, who will be responsible for seeing that the percentage fees are paid. If the other lawyer is a member of the LRS, please let us know so the service can transfer the client to that lawyer. If you associate someone outside of your office, the full percentage fee is still due, computed as shown in Item III below.

A. *Information About You.* The LRS wants as much pertinent information as possible about its members since callers are often advised by consumer advocates to seek in-depth information about a lawyer prior to hiring him or her. To that end, please let LRS know if you have received awards, kudos or additional training that may persuade a caller to make the call to your office once the referral is made. The information will certainly not replace in-person interviews, but it may give potential clients confidence enough in our referrals to call you.

II. The Referrals

Potential clients receive referrals from LRS by calling the intake line or by submitting a request via the South Carolina Bar's LRS online referral system. Intake staff do a brief screening of the callers to determine whether they appear appropriate for referral to LRS members. The staff members are not lawyers and cannot judge the merits of a case. As long as the circumstances have the rational appearance of a potential fee-generating case, the LRS makes the referral.

A. *The Referral to Your Office.* The referrals are made on a rotating basis for each area of practice, taking into account the geographic needs of the callers. LRS does not refer on the basis of gender, ethnicity or religion.

After the LRS intake staff member has given the caller your name and telephone number, she will email a Confirmation Report to your office. This Confirmation Report contains the caller's name and contact information, the type of case it appears to be and the current status of the case. You may call the client only if the number is provided or the caller gives it to you.

B. *Case Manager System (CMS).* LRS has an online Case Manager System (CMS) you should utilize to update the status of your cases, pay percentage fees and

renew your membership. You have the option of paying by VISA or MasterCard (online only), in addition to paying by mailed check. You should go through the checkout process whichever way you pay. Please note, LRS does not process credit card transactions by telephone. If you need assistance with CMS, contact the LRS Director at 803-799-6653, Ext. 138, or jbrown@scbar.org.

C. Contact with the Potential Client. After the LRS makes a telephone referral, it is up to the potential client to contact your office to make arrangements for a consultation. Please note that you may contact the caller by telephone if that number is provided for you on the application. Each caller gives explicit permission to us to provide you with that number. Otherwise, you may not make initial telephone contact. (See Rule 7.3 of SCACR 407, the Rules of Professional Conduct, which addresses initial contacts with potential clients. <http://www.sccourts.org/courtReg/index.cfm>) The potential client may also obtain an online referral by entering his or her legal issue and clicking on “Find Me a Lawyer.” This generates emails to the LRS and the lawyer. According to Ethics Advisory Opinions 2003-03 and 2000-10, it is permissible for you to reply to this initial email.

Please return calls promptly, or have an assistant return the calls. The LRS gets complaints when lawyers do not return calls within a reasonable amount of time.

The potential client has been promised a half-hour consultation with you (*not your paralegal*), so unless a different referral would be best for the potential client, you should be prepared to schedule the individual for a half-hour consultation. You may charge up to \$50 for the one-half hour consultation, but if it is your normal practice to give an hour free consultation, then the LRS trusts that you will do this with the LRS client as well. The updated rules provide that you *may not* charge consultation fees for the following types of cases:

- **Tort matters typically handled on a contingency fee basis;**
- **Social Security (SSD and SSI); and**
- **Workers’ Compensation**

D. If You Are Unable to Assist the Potential Client. If the potential client appears to have a meritorious case, but you cannot assist that client because of time pressures, a conflict or other reason, refer that caller back to the LRS for another referral, not to another lawyer. For this purpose, have the individual dial 1-800-868-2284. For calls in the Richland County area, direct them to 799-7100. See Rule VII(C).

III. Percentage Fee Calculation

The calculation of LRS percentage fees is as follows: Subtract \$250 from the total net earned and collected fee, and multiply the balance by 10%. **(NEW RULE: Count the consultation fee as part**

of your legal fees). Do not pay the percentage fee of a retainer in your trust account until you actually pay yourself.

Restated: Net Collected Fee inclusive of consultation fee - \$250 = Balance
Balance x 10% = Amount due LRS

Example: Net Collected Fee of \$1,000 plus \$50 consultation fee minus \$250 equals \$800
Amount due LRS is \$800 x 10%, or \$80.

IV. Forms and Other Paperwork

Proof of Insurance. The LRS requires a current copy of your errors and omissions insurance policy's declarations page. It will send a reminder for updated information before your policy expires. You will automatically be temporarily suspended from the LRS if you fail to timely provide the declarations page, but your membership will be promptly restored when you do provide it.

V. Your Availability

When you are active on the LRS rotation, the Service expects that you are generally available for new clients. The LRS asks that you please return the potential client's call within one business day, or have an office staff member return the call and schedule an appointment.

If you are in trial, on vacation or otherwise unavailable for three days or more, please let the LRS Director know so she can temporarily suspend your membership until the date you expect to be available again. LRS can give better service if the caller is able to meet with the referred lawyer within a reasonable time. Sometimes potential clients call and request another referral because the lawyer has not returned their calls. Failure to return a call may result in the loss of a good case.

VI. Client Feedback

LRS gets both formal and informal feedback from clients. Some call in with minor complaints, and occasionally some even call with compliments.

Client Satisfaction Survey. This survey is periodically sent to a random selection of clients, including those whose cases were closed after services. The survey is designed to determine how referred clients feel about LRS and the lawyer and to determine whether members are remembering to pay the percentage fees.

Complaint Process. The most frequent complaint received by the LRS is that the lawyer failed to communicate with the potential client. The second complaint on the list is that the lawyer was rude or derisive.

When the LRS receives a complaint from a client who believes professional discipline is warranted, he or she may be referred to the Supreme Court's Commission on Lawyer Conduct, or in appropriate circumstances referred to the South Carolina Bar's Fee Disputes Board and/or Client Assistance Program.

The LRS requires the client to sign a release to contact you so that it can receive full information about the incident giving rise to the complaint. After LRS collects the information, the LRS Director and Public Services Director review it and make a decision. The lawyer may appeal the decision to the South Carolina Bar Board of Governors if the decision is suspension or permanent removal from the LRS membership.

VII. Sanctions

Temporary Deactivation of Membership. If you are delinquent in returning reports to LRS or you fail to comply with other procedural requirements, the LRS may deactivate your membership until you comply. To be returned to the active rotation, you must pay a \$50 reinstatement fee.

Suspension from the Service. If, in reviewing your compliance with the rules, the LRS Director believes that you have violated any of the reasons for removal listed in the LRS Rules, it may suspend you from the service for a time certain or until it determines that it can again feel confident in making referrals to you.

Permanent Removal. If you have been suspended by the Supreme Court for a disciplinary reason, the LRS Director must permanently remove you from the service. (See Rule VIII, Sanctions). The LRS Director, with the concurrence of the Public Services Director, may also remove a member permanently for actions deemed to put clients or the LRS at risk. The member may appeal the permanent removal to the Board of Governors in writing.

VIII. Reporting

Confirmation Report. At the time the referral is made, LRS will email a Confirmation Report with the caller's name, address, type of case and any comments the intake interviewer believes would be helpful. If the caller gives permission to give you his or her telephone number, that will be included as well. Because LRS sends them by email, you should be able to tell if a new client is a referral from LRS even if the client forgets to mention it. If a client tells you that he or she was referred by LRS, but you have not received a Confirmation Report, either contact the LRS Director at 803-799-6653, Ext. 138, or jbrown@scbar.org so that she can email it to you.

Within 30 days of receipt of Confirmation Reports, you are required to log onto the Case Management System (CMS) and update the status of your cases. If you anticipate possible additional services, indicate that to keep the file active. If you close the case, please update CMS. However, if you close a case and subsequently reopen it, contact the LRS Director and let her know so she can reopen it in CMS.

Annual Case Report. The Annual Case Report is mailed to you in January of each year and lists the cases LRS referred to you during the previous year. This report **MUST** be done on paper, signed by the lawyer and returned to us together with any percentage fees owed. The first four columns are generated from the database and show the referral number, date of referral, client name and type of case. The “Amount to Date” column is also generated from the database and records any percentage fees previously paid by you. The other columns are for you to update.

If the status of the case has not changed, **DO NOT MAKE CHANGES** in the “Status” column. For example, if the case is marked as “Telephone Conference,” do not change that unless there has been further activity and the status has actually changed. Instead, place a check mark beside the status listed.

If there has been a change in status, update by drawing a line through the status shown on the report and write in the correct designation.

No status should be left designated “R” or “Referred to Your.” If the status is so marked, you **MUST** update it. To update, draw a line through the status shown on the report and write in the correct designation.

Your completed Annual Case Report should be signed, dated and returned to the Lawyer Referral Service at PO Box 608, Columbia, SC 29202 within 35 days from the date of the report.

Open Case Report. The Open Case Report is mailed to you in July of each year and lists all LRS cases we show in our database as being *open* for you. This report **MUST** be done on paper, signed by the lawyer and returned to us together with any percentage fees owed. The first four columns are generated from the database and show the referral number, date of referral, client name and type of case. The “Amount to Date” column is also generated from the database and records any percentage fees previously paid by you. The other columns are for you to update.

Referral Numbers: If you wish to refer individuals to the Lawyer Referral Service, please use these telephone numbers: local to Columbia, 799-7100; long distance, 800-868-2284.

Questions? Call 803-799-6653, Ext. 138, to speak with the LRS Director, or email her at jbrown@scbar.org.