

ONEIDA COUNTY BAR ASSOCIATION



LAWYER REFERRAL SERVICE

Rules and Guidelines

Member Handbook

OCBA Member Application

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Purpose of the Lawyer Referral Service

The Oneida County Bar Association's Lawyer Referral Service is a public service designed to:

- Serve the public with information and access to legal services.
- Provide member attorneys with opportunities for clients and good public relations.
- Promote a positive image of the legal profession.
- Express the Association's commitment to professional excellence.

The OCBA Lawyer Referral Service (LRS) is not a pro-bono or low-cost legal service. It is not intended for people who cannot afford an attorney. The OCBA LRS assists applicants by referring them to more appropriate resources. When a referral is made, we want it to be beneficial for the client and the attorney thereby promoting the Bar Association in every way.

The LRS conducts a basic screening of applicants and determines which attorney might be best suited for a referral. While the OCBA performs the services of arranging for an applicant to consult a lawyer, the OCBA assumes no responsibility of any kind or nature respecting the person referred or otherwise. The OCBA makes no representation concerning any lawyer to whom the applicant is referred except that such lawyer is licensed in the profession.

Enrollment forms must be signed and returned with the appropriate enrollment fee. There must also be a signed attorney affirmation on file. Both are found at the end of this packet.

In order to better serve both attorneys and clients we have adopted the requirements, rules and guidelines set forth below.

Membership Requirements

1. Be admitted to the practice of law in New York State and be a member in good standing of the Oneida County Bar Association.
2. Be engaged in the full-time, private practice of law, apart from any activity which would present a conflict of interest or cause inaccessibility to a client during normal business hours.
3. Carry malpractice insurance of at least \$100,000 and provide the OCBA with the name of the insurance carrier and the period of coverage.
4. Submit a fully completed and executed enrollment application and affirmation.
5. Pay the annual participation fee for the Lawyer Referral Service Panel by choosing a membership level: \$50.00 for the member to choose two categories of practice, or \$100.00 for the member to choose up to five categories, and \$20.00 per additional category.

The payment of the LRS fee may be made with the attorney's dues payment each year. Once placed on the Lawyer Referral Service, the lawyer's name shall be kept on a rotating basis until December 31st of that calendar year. There shall be no pro-rating of the fee.

6. Maintain an office in Oneida County or an adjoining county and provide an accurate phone number and email address.
7. Attend an orientation session if required.
8. Waive the right to confidentiality as to complaints against said attorney pending before any professional responsibility tribunal.

Rules and Guidelines

1. The attorney shall indicate, at the time of enrollment in the LRS, the areas of law in which clients will be accepted, noting that the area(s) of law indicated on the enrollment form are those in which the applicant attorney's practice is concentrated or in which the attorney is proficient.
2. When a referral is made, the attorney will be emailed a referral form, identifying the pertinent information necessary for initial review. There will be a brief description of the problem/issue on the form. The client is to contact the attorney to establish an appointment. The attorney is to respond to the client within five days and schedule the one-half hour free consultation. The attorney response can be emailed, faxed or sent by mail.
3. As previously stated, the attorney selects categories of practice in which he/she is interested in receiving referrals. The attorney may receive referrals in the following categories of practice if he/she meets the criteria set forth below:

Criminal - Felony

- a. Have tried one felony case to verdict as chief trial counsel within three years, or
- b. Have tried two misdemeanor cases to verdict as chief trial counsel within three years,
or
- c. Have assisted an experienced trial attorney in one felony trial to verdict and have handled three felony cases in the past three years, or
- d. Have qualified for the OCBA Assigned Counsel Felony Panel.

Divorce

Have handled two contested divorces to judgment within the past three years.

Negligence and Personal Injury

Have handled two civil cases to settlement or judgment with the past three years.

Medical Malpractice

Have fully prepared for trial, including discovery, or tried to jury verdict at least five personal injury cases, including two medical malpractice cases, in the last five years.

Estates

Have actively participated in two or more estates in the past three years.

Patents

Must be admitted to the Patent Bar.

Bankruptcy

Must have successfully completed two local bankruptcies within the past two years.

4. An attorney may change or drop a category, for a nominal fee of \$5.00, by written request (including email). To add a category, the attorney will pay an additional fee for the number of categories in which he/she is listed.
5. Current malpractice insurance information for all LRS panel member attorneys must be on file at all times. An attorney who does not submit current information will be pulled out of rotation until in compliance with program specifications.
6. A panel member attorney who is not retained or does not accept a matter referred by LRS shall not refer the matter to another attorney, but shall refer the client back to the OCBA for another referral.
7. A panel member who is retained on a matter referred by OCBA LRS shall maintain responsibility for and control of such matter. A panel member shall not transfer responsibility for, or control of, any matter referred by LRS without the knowledge and permission of LRS, unless required by law, court order or the written direction of the client.
8. Attorneys may be suspended from the Lawyer Referral Service by their own request or by action of the OCBA LRS. Annual fees paid for the Lawyer Referral Service are not refundable. Responsibility for current cases is not affected by membership status.

9. If a panel member attorney faces criminal action in any court, he/she will decline participation in any new LRS matter. The duty shall be upon the attorney to voluntarily decline assignment on any matter if contacted by LRS. If the final disposition in the criminal matter is favorable to the attorney, the attorney shall be reinstated to the LRS panel. If the final disposition is not favorable to the panel member, the LRS Committee may recommend suspension or termination of the attorney from LRS participation.

10. The LRS Committee chair may recommend to the President and/or Executive Director of the OCBA the suspension/termination of any panel member for any violation of rules or guidelines stated herein. If the panel member is suspended from the service pursuant to the rules or guidelines, he/she shall be notified in writing within 15 working days of the action and the reasons therefor. The following shall apply in addition:
 - A. If an attorney requests temporary or permanent suspension of membership, the LRS Committee will set status accordingly.

 - B. The panel attorney is required to disclose any discipline imposed, any pending suit for legal malpractice or other private civil action alleging attorney misconduct, any pending inquiries or complaints, and/or any pending grievance matters submitted to an evidentiary panel.

 - C. Upon being informed by a tribunal that a panel member has been recommended for discipline, the LRS Committee will suspend the attorney's membership in the LRS until the resolution of the matter. If the tribunal chooses not to pursue discipline, the LRS Committee will reactivate the member. If discipline is recommended, the suspension will remain in place until satisfactory fulfillment of the disciplinary requirements. Attorneys will not receive referrals during any time when their right to practice is suspended or they are placed on probation. Attorneys who are disbarred will be permanently removed from the LRS.

 - D. An attorney may also be suspended from the service by action of the LRS Committee for up to 60 days for the following reasons: Consistent unavailability to accept referred clients; record of failure to keep appointments with referred clients; excessive complaints from referred clients; providing misinformation regarding referral dispositions and/or fees; re-referral of LRS referred clients to other attorneys; and any other conduct determined unprofessional within the mission of LRS.

Notice will be given to the panel attorney in writing within 15 days of such suspension, with information regarding the process. The LRS Committee will review the complaint and impose a suitable discipline, including lifting the suspension, extending the suspension, removing the attorney from the LRS, or other such measures as it deems appropriate.

- E. An attorney who has been removed from the LRS for reasons of discipline may not reapply the following year. After the attorney has been off the LRS panel for one full membership year, his/her application to be returned to the LRS panel will be reviewed by the LRS Committee.
- 11. An LRS panel member attorney may appeal the decision of the LRS Committee by submitting a written notice of appeal to the OCBA Executive Director within 10 days of receipt of the decision. The appeal shall be granted or denied within 45 days of receipt of the notice of appeal unless time is extended with the panel attorney's consent.
- 12. If a panel member attorney's participation was previously terminated due to non-compliance with LRS rules and guidelines, reinstatement to LRS panel membership will be allowed only upon approval by the LRS Committee. If termination was voluntary, LRS participation may be reinstated by the President of the OCBA.
- 13. The LRS Committee is entitled to be informed, at its request, of the outcome of any legal representation, including all attorney's fees paid by or on behalf of a referred client.

The Committee

The OCBA Standing Committee on Lawyer Referral Service shall be charged with the operation and administration of the Service. The Committee is comprised of interested members of the Oneida County Bar Association with a chairperson approved annually by the Association's Board of Directors.

MEETING LOCATION: Oneida County Bar Association
258 Genesee Street, Suite 302
Utica, New York

DATES: Quarterly

The Lawyer Referral Service will be operated by the Oneida County Bar Association, utilizing members of the OCBA staff, under the general supervision of the Committee. Applicants who contact the Service will be interviewed by a staff member. As appropriate, the Service shall cooperate with and assist the State Bar Association and other lawyer referral services, as well as legal service providers, the Assigned Counsel Program, and governmental agencies.

Referral Procedures and Reports

- A. Callers to the LRS wishing to speak with an attorney will be required to provide sufficient information about the legal issue at hand to determine if they should be referred to an LRS attorney, or a legal services or governmental agency.

- B. Procedures will be maintained to ensure that each referral is made in a fair and impartial manner to all panel members attorneys. Referrals will be made on a rotating basis to the next available attorney for the category requested unless the client has objections, for instance, preference for a location of attorney's office.
- C. Prospective clients may contact the LRS to request an attorney by calling the OCBA or by accessing the application on line. They must complete the application they find on line or that the OCBA mails to them, and pay the \$25.00 administrative fee in advance. A prospective client will then be provided the name and telephone number of the attorney. The OCBA will email the information to the attorney, who will await the call of the prospective client. When called the attorney shall contact the prospective client within 5 days to schedule an appointment for a 30-minute free consultation.
- D. The LRS panelist must waive any fee for the initial consultation. This does not include substantive work such as filing forms, letters, etc. Arrangements for a retainer are made between the prospective client referred and the attorney.
- E. The usual relationship of attorney and client shall exist and be preserved as if the client had directly consulted the lawyer.

Publicity

The LRS will be publicized in such a manner and to such an extent as will fulfill purposes and objectives consistent with the Code of Professional Responsibility. The LRS website offers email referral access and internet links as well. Brochures and business cards will be made available in courthouses and other public places.

No attorney shall be permitted to use the Lawyer Referral name or logo without prior consent from the OCBA Lawyer Service Committee and the OCBA Board of Directors.

ONEIDA COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE

ATTORNEY AFFIRMATION

1. I affirm that the information contained in my Lawyer Enrollment/Renewal Registration Form is true.
2. I affirm that I will notify the Executive Director of the OCBA if my malpractice insurance coverage is terminated or modified.
3. I affirm I am currently registered with the Office of Court Administration, am an attorney in good standing in the State of New York, and a member in good standing of the Oneida County Bar Association.
4. I will provide persons referred to me by LRS, at no charge, a first consultation for up to one-half hour, with the understanding that it is to cover advice only. I may charge for the preparation of letters and/or any legal papers.
5. If I cannot personally handle a referral, I will direct the prospective client to call the LRS for another referral.
6. I certify that I possess the professional qualifications to handle matters competently in the area(s) which I have indicated upon enrollment, that I am personally handling cases in these areas of law, and that I am in compliance with the rules and guidelines as determined by the LRS Committee.
7. I agree to indemnify, defend and hold harmless the Oneida County Bar Association, its officers, directors, members, and employees, and the Lawyer Referral Service and its Committee, from any claim, demand, action, liability, expense or loss resulting in whole or in part from or related to my handling of any referral hereunder, the referral from the OCBA, or my failure to comply with any provision of this Affirmation or my Lawyer Enrollment/Renewal Registration Form.
8. I understand that client follow-up will be regularly conducted, and if three instances of negative feedback are reported by separate clients regarding my services, I may be called before the Lawyer Referral Committee and/or removed from the panel.
9. I have read and reviewed the OCBA's Lawyer Referral Service rules and guidelines and agree to conform to and follow the same.

Print Name: _____

Signature: _____

Date: _____

ONEIDA COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE PROGRAM REGISTRATION

The Oneida County Bar Association’s Lawyer Referral Service Program assists participating Members and provides a vital community service to meet the needs of persons seeking advice and representation. It is designed to enable the best responses to increasing numbers of referral requests.

You may submit this form, with payment, in order to enroll as a participant in the Lawyer Referral Service Program.

The following terms apply:

1. The registry of participant lawyers is maintained by the OCBA and made available on a rotating basis.
2. The OCBA performs the services of arranging for an applicant to consult a lawyer; the OCBA assumes no responsibility of any kind or nature respecting the person referred or otherwise; the OCBA makes no representation concerning any lawyer to whom the applicant is referred except that such lawyer is licensed in the profession.
3. The Charge is \$50.00 for any two categories; \$100.00 for up to five categories and then \$20.00 for each additional category.
4. **A full application, which may be obtained from the OCBA office, must be completed, and payment made in full, before an attorney will be listed.**

CATEGORIES

- | | | |
|--|---|--|
| <input type="checkbox"/> ADOPTION | <input type="checkbox"/> ELDER LAW | <input type="checkbox"/> PERSONAL INJURY |
| <input type="checkbox"/> ADMINISTRATIVE LAW | <input type="checkbox"/> ENVIRONMENTAL | <input type="checkbox"/> PRODUCT LIABILITY |
| <input type="checkbox"/> APPELLATE | <input type="checkbox"/> ESTATES & TRUSTS | <input type="checkbox"/> PROPERTY DAMAGE |
| <input type="checkbox"/> BANKRUPTCY | <input type="checkbox"/> FAMILY & DOMESTIC RELATIONS | <input type="checkbox"/> REAL ESTATE |
| <input type="checkbox"/> BUSINESS/COMMERCIAL | <input type="checkbox"/> FEDERAL LAW AND PRACTICE | <input type="checkbox"/> RETIREMENT/PENSION |
| <input type="checkbox"/> CIVIL RIGHTS | <input type="checkbox"/> GENERAL PRACTICE | <input type="checkbox"/> SECURITIES & INVESTMENT |
| <input type="checkbox"/> COLLECTIONS | <input type="checkbox"/> IMMIGRATION & NATURALIZATION | <input type="checkbox"/> SOCIAL SECURITY |
| <input type="checkbox"/> CONSUMER LAW | <input type="checkbox"/> INSURANCE LAW | <input type="checkbox"/> TAXATION |
| <input type="checkbox"/> CORPORATE/BUSINESS | <input type="checkbox"/> LABOR/EMPLOYMENT | <input type="checkbox"/> VEHICLE & TRAFFIC LAW |
| <input type="checkbox"/> CRIMINAL | <input type="checkbox"/> MEDICAL MALPRACTICE | <input type="checkbox"/> VETERANS’ BENEFITS |
| <input type="checkbox"/> DISABILITY LAW | <input type="checkbox"/> MUNICIPAL LAW | <input type="checkbox"/> WORKERS’ COMPENSATION |
| <input type="checkbox"/> EDUCATION | <input type="checkbox"/> PATENT/COPYRIGHT | <input type="checkbox"/> ZONING |

If you would like to be shown in a category not listed above, contact the Bar Association.

Name: _____ **Phone:** _____

Number of Categories (select above) _____ **Amount Enclosed: \$** _____

Please make check payable to: Oneida County Bar Association, 258 Genesee Street, Suite 302, Utica, NY 13502,
or you may pay via credit card by calling the Bar Association Office at 724-4901.



**ONEIDA COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE
LAWYER ENROLLMENT/RENEWAL REGISTRATION**

Circle One: Renewal Initial Enrollment

States Admitted to Practice and Dates Admitted: _____

I am available to take clients who speak:

Spanish American Sign Language Other(s): _____

Would you be willing to make: [] House Calls? [] Jail Visits?

Would you be willing to file claims/suits against the state, county or other municipalities? []

Attorney representations:

1. I certify that I have received and read the rules and guidelines of the OCBA Lawyer Referral Service.
2. I represent that I am covered by a professional liability insurance policy with limits of not less than \$100,000.00, and that I will maintain this policy throughout the period of my participation in the service.

Policy Number _____ Coverage Period _____
3. I further certify that I am competent to counsel and represent clients in matters pertaining to the categories of law which I have designated in this enrollment application.
4. Accompanying this Registration form is information concerning any public or private discipline brought before any disciplinary tribunal against me during the prior two years of this agreement, or if nothing is attached, there has been none.
5. I have read and further agree to conform to, and abide by, all rules and guidelines existing or that may hereafter be adopted by the Lawyer Referral Service or the Oneida County Bar Association and acknowledge that this application serves as an agreement between the Oneida County Bar Association LRS and myself as a panel member attorney

Signature

Date

Please submit original completed pages 9, 10 and 11 of this packet, and your fee, to:

Oneida County Bar Association
Lawyer Referral Service
258 Genesee Street, Suite 302
Utica, NY 13502

Please make checks payable to: Oneida County Bar Association