

RULES REGULATING THE FLORIDA BAR

CHAPTER 8. LAWYER REFERRAL RULE

8-1. GENERALLY

RULE 8-1.1 STATEMENT OF POLICY AND PURPOSES

Every citizen of the state should have access to the legal system. A person's access to the legal system is enhanced by the assistance of a qualified lawyer. Citizens often encounter difficulty in identifying and locating lawyers who are willing and qualified to consult with them about their legal needs. To this end bona fide not-for-profit state and local bar associations are uniquely qualified to provide lawyer referral services under supervision by The Florida Bar for the benefit of the public. It is the policy of The Florida Bar to support the establishment of local lawyer referral services and to encourage those services to: (a) make legal services readily available to the general public through a referral method that considers the client's financial circumstances, spoken language, geographical convenience, and the type and complexity of the client's legal problem; (b) provide information about lawyers and the availability of legal services that will aid in the selection of a lawyer; (c) inform the public when and where to seek legal services and provide an initial determination of whether those services are necessary or advisable; and (d) provide referral to consumer, government, and other agencies when the individual's best interests so dictate.

8-2. REQUIREMENTS

RULE 8-2.1 REQUIREMENTS FOR ESTABLISHING A LAWYER REFERRAL SERVICE SPONSORED BY A LOCAL BAR ASSOCIATION

The Board of Governors of The Florida Bar may adopt such regulations as it deems desirable governing the establishment, operation, and termination of lawyer referral services operated by a local bar association.

No local bar association shall operate a lawyer referral service except upon application to and approval by the Board of Governors of The Florida Bar. No lawyer referral service shall be approved by The Florida Bar unless such lawyer referral service is offered primarily for the benefit of the public and unless such lawyer referral service is established and operated by a nonprofit organization exempt from federal taxation under section 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code of 1986.

RULE 8-2.2 CONTENTS OF APPLICATION

An application by a local bar association to the Board of Governors of The Florida Bar for authority to operate a lawyer referral service shall be in writing and shall be filed with the executive director. Such application shall contain the following:

(a) Statement of Benefits. A statement of the benefits to the public to be achieved by the implementation of the lawyer referral service.

(b) Proof of Nonprofit Status. Proof that the referral service is established and operated by a nonprofit organization exempt from federal taxation under section 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code of 1986.

(c) Submission and Content of Bylaws. The proposed bylaws or rules and regulations that will govern the lawyer referral service. The proposed bylaws shall include the following regulations:

(1) All members of the proposed referral service shall provide proof of professional liability insurance in the minimum amount of \$100,000 unless the proposed lawyer referral service itself carries professional liability insurance in an amount not less than \$100,000 per claim or occurrence.

(2) The proposed lawyer referral service shall accept membership applications only from attorneys who maintain an office in the geographic area served by the proposed lawyer referral service.

(3) The proposed lawyer referral service shall agree to maintain an alphabetical member list, updated quarterly, with The Florida Bar. In turn, The Florida Bar shall notify the service of any unresolved finding of probable cause against a member. When probable cause has been found at the local grievance committee level, and the lawyer referral service has been notified, such service shall be required to hold referral to the member in question until the matter is resolved. If the member is in good standing with The Florida Bar after the resolution of the matter, then the member may be returned to the service.

(d) Estimated Number of Panel Members. The estimated number of lawyers who will participate in the service.

(e) Number of Local Lawyers. The number of lawyers in the area.

(f) Statement of Need. A statement of the condition that evidences a need for such service in the area.

(g) Geographic Operational Area. The geographic area in which the proposed referral service will operate.

(h) Statement of Operation. A statement of how the lawyer referral service will be conducted.

(i) Statement of Fees. A statement of fees to be charged by the lawyer referral service, including, but not limited to, fees charged by the referral service to members of the public using such service and fees charged by the referral service or remitted to the referral service by member attorneys.

(j) Statement of No Discrimination. A statement that such lawyer referral service will be open for referral to the members of the public without regard to race, sex, national origin, or economic status.

(k) Statement of No Discrimination in Local Bar Membership. A statement that the local bar association is representative of the profession in the area of the service and is open to all members of the profession on an equal basis.

RULE 8-2.3 APPROVAL OF APPLICATION

The board of governors may approve or disapprove the application to operate a lawyer referral service or it may call for additional information upon which to base its decision. No lawyer referral service shall be commenced by or on behalf of a local bar association until approval thereof has been communicated in writing from the Board of Governors of The Florida Bar.

8-3. SUPERVISION

RULE 8-3.1 SUPERVISION AND REPORTING REQUIREMENTS

Any lawyer referral service approved by The Florida Bar and operated by a local bar association shall submit 3 quarterly reports and an annual report to The Florida Bar. The reports shall contain:

(a) a statement of the sources of income by category and amount;

(b) a statement of expenditures by category and amount;

(c) the number of attorneys who were members of the lawyer referral service for the reporting period and special panels, if any;

(d) the number of inquiries received by the referral service from members of the public during the reporting period;

(e) the number of referrals for legal services made by the service during the reporting period;

(f) the number of referrals for nonlegal services made by the service during the reporting period;

(g) a statement of the operation of the lawyer referral service, including the number of personnel employed and the means by which referrals are made by the service; and

(h) a statement of changes, if any, to the bylaws and regulations governing the lawyer referral service.

The annual report shall also contain a proposed budget for the next year and a statement of any material changes in the operation of the lawyer referral service since the filing of the initial application under rule 8-2.2 above.

The Florida Bar shall actively supervise the operation and conduct of all lawyer referral services established under this chapter and may require such other information as it deems necessary to determine the benefits of such service to the public and the achievement of the policies stated herein. The Florida Bar shall not make any charge to the local bar association or its lawyer referral service for such supervision.

8-4. REVOCATION

RULE 8-4.1 REVOCATION

Upon good cause shown, the board of governors may revoke the authority of any bar association to operate a lawyer referral service.

8-5. IMMUNITY

RULE 8-5.1 GENERALLY

The members of The Florida Bar Lawyer Referral Service Committee and the staff of The Florida Bar Lawyer Referral Service, as well as local bar associations with a lawyer referral service approved under rule 8-2.1, including their directors, officers, lawyer referral service committees, and staff, shall have absolute immunity from civil liability for all acts in the course of their official duties in furtherance of this chapter.