

I. LRIS Panel Membership Requirements:

- Licensed to practice in New York State.
- Maintain a law office and staff separate from any other business or residence which is clearly identifiable to the public as such (answering services and answering machines are not an acceptable staff substitute).
- Be engaged in the full-time private practice of law, with no activity that would cause inaccessibility to a client during normal business hours.
- Carry professional liability insurance.
- Use written Retainer Agreements with the client.
- Complete an LRIS Application and return it with the \$100 LRIS membership fee. (To receive Negligence or Medical Malpractice referrals, add an additional \$75.)
 - Fee Schedule:
 - When a fee of \$100 or more is received, the attorney shall remit the \$20 consultation fee to the LRIS. The attorney is responsible for collecting the consultation fee.
 - When a fee in excess of \$250 is received (exclusive of disbursements) from any single LRIS-referred matter, the attorney shall remit ten percent of the fee that exceeds \$250 once it has been paid. Percentage fees are based upon the total fees received or billed by the attorney from the referral.
- Indicate no more than five areas of law in which clients will be referred. If there are more than five listed, the first five will be accepted.
- Complete the Experienced Panel information (where applicable) when making referral selections.
- Accept an initial consultation fee of not more than \$20 provided the initial consultation does not exceed one-half hour. The prospective client will be so informed at the time the referral is made. The fee for additional services will be determined by mutual agreement between the client and the panel member.
- Subsequent to accepting a referral, regardless of panel description and so long as it arose from the same transaction/occurrence/subject matter of the referral, the panel member and the law firm remain responsible for all fees due the LRIS.
- Abide by the Rules of the LRIS and in no way hold, or claim to hold the Association or any of its officers, members or employees liable in connection with the operation of or use of, the information contained in the Application in connection with the activities of the LRIS.

II. Acknowledgement & Report of Referrals

A Notice of Referral will be forwarded by LRIS staff when the referral is made. The panel member will complete and return the Notice as soon as practicable but not more than thirty days after receipt. If there is no reply within the specified time, the LRIS staff will request twice, by writing, the status of the specified case(s) needed. If there is no response, the panel member will be temporarily removed from the rotation list.

- All referrals will be accompanied by a Notice of Referral that will list the name and telephone number, if appropriate, of the client.
 - Return the Notice of the Referral is to be returned, either by fax, mail, or e-mail, to the LRIS after the consultation or after thirty days have elapsed with no contact
 - Once the LRIS is notified that the panel member has been retained for further legal service, a Final Report will be mailed. Return the Final Report and remittance fee to the LRIS at the conclusion of the representation.
- The LRIS will follow up with the panel members who have returned the Notice of Referral and indicated "arrangement made for further legal Services" to determine the status of the referral.
- Quarterly Reports:
 - All panel members will receive quarterly billing statements to check off matter still open and to give the closing date and fee due for the closed matters.
 - All cases are considered open until the attorney has remitted 10% of any fee over \$250 and the \$20 "consultation" fee or informed the LRIS that the case was closed with remittance fee due.
- The LRIS sends random "quality-control" surveys to clients to collect information about the quality of service provided by the LRIS, the panel members and the legal services rendered.

II. Referral Procedures

- Most clients contact the LRIS by telephone. The LRIS staff will request the client's name, address and telephone number. Callers requesting legal advice or representation will be referred to an attorney in the same geographic area. It is the client's responsibility to contact the lawyer to arrange an appointment.

- Referrals are made on a rotation basis. If a panel member is unable or unwilling to accept a referral, the client will be referred to the next member on the panel. Panel members may not recommend or refer a client to another attorney who is not a member of LRIS. If a panel member refers the client or matter to another LRIS attorney, it is the responsibility of the referring attorney to provide LRIS with the name of the attorney. A panel member who transfers, in whole or in part, responsibility of any matter referred by LRIS to a non-panel attorney(s) without permission of LRIS, shall be contractually liable for any fees owed and remain liable for collection and/or payment of any fees owed by LRIS. A panel member or the law firm shall pay LRIS 10% of the total fee received over \$250 by the attorneys involved.
- If a member of the panel is unavailable because of illness or absence for any period of time, the member shall notify the LRIS and his/her name will be placed in a temporary hold file. If a member of the panel consistently refuses to make or keep an appointment made with a client referred to him/her by the Service, his/her name maybe removed from the panel upon proper notification from the service. If a panel member is retained from a legal matter completely different from the originally referred matter, there is no remittance fee due. However, a remittance fee is due for any other matter which involves the same or related subject matter as the initial referral, arises from the initial referral (i.e. Related proceeding or action), and is undertaken within three years of the date of the Service's referral or the initial retention, whichever is later.

IV. Panel Membership: Suspension or Removal

Membership on the Bar Association's LRIS is a privilege extended to those attorneys who meet the stated qualifications and agree to comply with the LRIS Rules and Regulations.

- An applicant may be denied panel membership or may be removed or suspended from the panel at any time by the LRIS Administrator for the following:
 - Repeated failure to submit Notice of Referrals and the remittance fee within thirty days of billing or date of referral.
 - Failure to provide proof of professional liability insurance coverage.
 - Unresolved violations of the LRIS Rules & Regulations, or the Lawyers' Code of Professional Responsibility.
 - Failure to be accessible to clients referred by the LRIS.
 - Repeated complaints from clients and failure to respond to, or cooperate in the resolution of, the client's complaint whether filed with the LRIS Administrator or the 8th District or Bar Association grievance committees.
 - Failure to disclose requested information on the LRIS Application.
 - Transferring a client referred by the LRIS to an attorney who is not a LRIS panel member.
- In accordance with Section A., if at any time the LRIS Administrator receives information giving him/her reasonable grounds to believe that a panel member is subject to suspension or removal, the Administrator is empowered to temporarily suspend him/her by notifying the attorney in writing within ten working days of imposing the suspension. The notice will include specific reference to the nature of the violation, the date of the suspension, and notification that failure to correct the violation to the satisfaction of the Administrator with the time period state will result in suspension of the attorney's membership of the service. Complaints involving allegation of professional misconduct will be reviewed by the BAEC Executive Director, the LRIS Administrator and the Grievance Chairman to determine the status of the panel member's participation on the service. If a finding of probable cause has been issues or determined (via the Grievance Committee), then the LRIS shall suspend all referrals to the lawyer until the grievance process is resolved. Any member whose member is suspended at the beginning of the fiscal year will not be allowed to renew his/her member until the violation causing the suspension has been corrected.
- A panel member may withdraw from panel membership upon written notice to the LRIS, but shall not be entitled to a refund on his/her enrollment fee and shall not be relieved of the duty to dispose of, in accordance with standard practice, any case or any obligation incurred during membership.
- If co-counsel is engaged by the referred lawyer, the co-counsel will remit the appropriate percentage fees to the LRIS, based upon the total attorney fee generated to both the referred lawyer and the co-counsel. If the co-counsel fails and/or refuses to pay the appropriate percentage fee to the LRIS, then the referred lawyer is responsible for the payment of the appropriate percentage fee to the LRIS based upon the total attorney fee generated to both the referred attorney and the co-counsel, unless the co-counsel is a member of the LRIS. In the event that both the co-counsel and the referred lawyer fail and/or refuse to pay the percentage fee due and owing the LRIS, it is within the discretion of the BAEC Executive Director and the BAEC Board of Directors to take any appropriate action to collect the percentage fee.

- If a lawyer fails to respond to a Final Report or Status Memorandum sent by the LRIS Administrator within thirty days, then the matter will be presented by the LRIS Administrator to the Dispute Settlement Tribunal for submission to mandatory and binding fee arbitration. At the discretion of the LRIS Administrator and/or BAEC Executive Director, the Board of Directors of the BAEC may be notified when a member/lawyer has failed to remit the appropriate forms and/or funds to the LRIS. The Board of Directors of the BAEC may also take whatever action is deemed appropriate.
- The LRIS recognized that when a lawyer has to pursue collection effort against a client, this results in increased costs and increased use of the limited resources of the lawyer. With respect to the percentage fee owed to the LRIS for any such case, the lawyer must notify the LRIS if and when the lawyer has been successful in recovering some or the entire fee. The lawyer must provide the LRIS with information concerning the cost incurred in the collection action as well as the actual amount of the gross fees recovered. Once the lawyer has advised the LRIS of the costs incurred and the actual gross fees recovered in the collection action, the percentage fee due and owing the LRIS will be the actual fee awarded to the lawyer less the addition costs incurred in the collection which yields the net fee; subtract from the net fee the \$250 deductible which yields the adjustment fee; multiply the adjusted fee by 10% to arrive at the adjusted percentage fee which is owed to LRIS. If the lawyer determines that it is not the best interests of the lawyer to incur the additional time and expense of individual collection efforts or action against the client, the lawyer shall notify the LRIS in writing of the reason for this determination so that the file can be closed.

LRIS APPLICATION

Name: _____ Firm Name: _____

Office Address: _____ City/Zip Code: _____

Office Number: _____ Fax Number: _____

Number of Lawyers in the Firm: _____ Date admitted to NYS Bar _____ Department _____

E-mail Address (Please provide only if you want notices e-mailed): _____

Please select the following for method of payment (Circle that apply)

Check (Please make payable to: Bar Association of Erie County)

Visa MC Card Number: _____ Expiration Date: _____

Name (as it appears on card): _____

Signature: _____

Please select and mark up to five categories in which you are experienced and want to receive referrals. To assist in making appropriate referrals, mark the subcategories within that reflect your particular interest(s) or expertise. If you wish to limit your referrals designated as a subcategory only, mark the subcategory and not the general category. Please note that any Alternate Payment referrals that you would like to accept will be selected from the same categories in which you will receive regular fee referrals. Also, please complete the Experience Panel information required for membership on the Criminal Law, Personal Injury, Medical Malpractice, Matrimonial, and ADR/Mediation Panels. No applications will be accepted unless all of the requirements have been met.

Please list foreign language(s) you are proficient in (indicate whether you Understand, Read, or Write): _____

Are you admitted to practice in any other state and, if so, do you have a satellite office there?
Yes, as follows: _____

Are you available to make home visits for disabled or elderly persons? Yes No

Are you admitted to practice in Federal Court? Yes No

Appointments arrange by yourself, your secretary, or either: _____

Are appointments available during evenings and/or weekends: Yes No

Are consultations available by phone, appointment, or either: _____

Are you willing to make payment plan arrangements: Yes No

For what of the following referral categories are you willing to make payment plans: _____

Do you have satellite offices within Erie County and if so, where: _____

Do you, not another member of your firm, specifically handle the referral category selections chosen?

Yes No

Signature

Certification of application for Lawyer Referral & Information Service membership and authorization to disclose information

I hereby certify:

I am an Attorney in good standing and I actively practice law at the office address given on the Application form.

The statement and other information in this Application are true and complete. I agree to notify the LRIS promptly and in writing if anything occurs while I am a member of the LRIS that makes any such statement or information untrue or inaccurate. Without limiting the foregoing, I agree to notify the LRIS in writing if my Professional Liability Insurance is terminated or if I am investigated, reprimanded or disciplined concerning an allegation of professional misconduct, or if I am a defendant in a lawsuit filed by a client or former client of mine.

I have received and read the LRIS Rules for panel membership and agree to abide by the Rules as in effect from time to time. Without limiting the foregoing, I agree that any fee dispute between me and any client referred to me by the LRIS shall be submitted to binding arbitration, through the Bar Association of Eric County's Dispute Settlement Tribunal subject to its rules.

I agree that my appointment to and continuance as a member of the Service is subject to the discretion of the Executive Director or President in accordance with the LRIS Rules.

I authorize the LRIS, acting through its Administrator and the Executive Director, to request and obtain any information deemed by the Executive Director relevant to my membership on the LRIS, including but not limited to any information in the possession of any judicial or other governmental agency or bar association concerned with allegations of professional conduct or ability. I hereby authorize any such agency, committee or entity to release any such information to such Executive Director upon receipt of a photocopy of this paragraph and my signature and acknowledgement below.

Dated: _____

Signature: _____

Print Name: _____

Please provide a photocopy of the declaration page of your currently effective Professional Liability Insurance policy and the appropriate fees.

EXPERIENCE REQUIREMENTS

A. Domestic Relations Panel:

The Domestic Relations Panel includes all matters related to advice and handling proceedings involving annulment or dissolution's of marriage, legal separation, support enforcement, custody, and change of name, as well as advice and preparation of settlement agreements and related family transactions.

Panel Membership: I have three years experience, and have handled ONE divorce proceeding through dissolution and two contested matrimonial motions/show cause orders.

OR

I have three years experience and have completed the Volunteer Lawyer's Project Matrimonial Law training course and have handled two cases to dissolution.

Dissolution of Marriage:

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Order to Show Cause Proceedings:

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Order to Show Cause Proceedings:

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Handled independently: Yes No

Supervised by other attorneys: Yes No

B. Mediation Panel:

To participate on the Divorce Mediation Panel participants must have completed at least forty hours of matrimonial mediation training course that has been approved by the Academy of Family Mediators. Please provide a copy of your certificate of training with your application. LRIS Divorce Mediators are required to use a written Retainer Agreement as part of the mediation process and may not appear in court even as a "facilitator" for either party. The Mediator shall encourage and stress to the parties to use of independent counsel at least before executing a settlement agreement and preferably throughout the process. Independent counsel can be obtained by referring the parties back to the LRIS where they will be referred to lawyers who are familiar with divorce mediation. Mediators should also use a law guardian whenever appropriate.

Panel Membership: I have three years of experience and have handled one divorce proceeding through dissolution and two contested matrimonial motions/show cause orders.

OR

I have three years experience and have represented a party through the negotiation and execution of a property settlement or separation agreement.

Dissolution of Marriage:

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Order to Show Cause Proceedings:

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Order to Show Cause Proceedings:

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Handled independently: Yes No

Supervised by other attorneys: Yes No

C. Personal Injury Panel:

The Personal Injury panel includes all matters related to tort claims against persons or entities, including negligence matters, personal injury claims, property damage, wrongful death cases, intentional torts and all forms of accidents.

Panel Membership: I have three years experience and have handled one personal injury case through jury verdict within the past five years and have taken at least four other cases to settlement within the same time frame. All information requested must be completed for all five cases.

Jury Verdict Case:

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Settled Cases:

(1) Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

(2) Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

(3) Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

(4) Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Handled independently: Yes No

Supervised by other attorneys: Yes No

D. Medical Malpractice Panel:

Panel Membership: I have three years of experience and have handled three cases through settlement. All information requested must be completed for all three cases.

(1) Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

(2) Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

(3) Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Handled independently: Yes No

Supervised by other attorneys: Yes No

E. Criminal Law Panel:

Panel Membership: Felonies – I have two years experience and have handled at least one felony case to verdict.

Court/Judge: _____

Case Name: _____

Case Number: _____

Case Year: _____

Handled independently: Yes No

Supervised by other attorneys: Yes No

F. Alternative Dispute Resolution/Arbitration Panel:

To participate on the Alternative Dispute Resolution Panel participants must be able to conduct a due process hearing; possess adequate writing and reasoning skills so as to allow for the preparation of arbitration opinions that provide the parties with a rationale upon which the reward rests; be sufficiently knowledgeable of the subject matter being arbitrated so that time and expense are not wasted “educating the Arbitrator” and adhere to appropriate ethical guidelines related to arbitration. Please provide a copy of your certificate of training with your application.

Panel Membership: I have three years experience, have taken a minimum of twenty hours of training on the conduct of arbitration hearings, and have rendered a minimum of five awards or decisions as an arbitrator, impartial hearing officer (IHO) or judicial officer where a written decision stating the basis thereof. A combination of decisions as an arbitrator, IHO or judicial officer shall be allowed. Candidate who have heard more than five cases shall have the training requirement reduced by five hours for each additional case but must, regardless of the total of cases heard, show that they have received a minimum of eight hours of training, including lecture, role play and discussion within the last five years, regarding the conduct of due process of hearings.

OR

I have three years experience, have obtained a minimum of forty hours of training, including, role play, discussion and/or lecture and, in addition, have attended at least five hearings conducted by an experienced neutral and have issued at least five mock decisions or opinions where each decision/opinion has been favorably reviewed by the experienced neutral.

(1) Case Name: _____
Year: _____

(2) Case Name: _____
Year: _____

(3) Case Name: _____
Year: _____

(4) Case Name: _____
Year: _____

(5) Case Name: _____
Year: _____

If there is a confidentiality issue, your signature below acknowledges that you have complied with the above guidelines and that you certify that you meet the necessary experience criteria.

Signature

G. Non-Matrimonial Mediation Panel:

To participate on the Non-Matrimonial Panel participants must certify that they have met the following requirements: (1) admitted to practice for a minimum of two years; (2) a minimum of at least twenty hours of mediation training within the past five years. "Mediation training" shall mean a minimum of at least fifteen hours of formal, classroom-type training. No more than five hours of this training may consist of role play and no more than three hours may involve training in a substantive area of the law (in which mediation is to be applied.)¹ Five of the twenty hours of training may be satisfied through mock mediation and/or peer review and if the latter, the review must include experienced mediators. To satisfy the formal education requirement described in section (2), the number of hours specified above must be completed in the subject areas for which the panel shall supply mediation services.² For persons exclusively trained in other areas, such as divorce and family mediations, the formal hours of training shall be increased by seven hours; (3) must have acted as the sole mediator in at least five cases over the most recent five years preceding the date of the application to the panel.

Persons who have co-mediated, or mediated in an apprentice capacity with an experienced mediator must demonstrate that they have served in a minimum of ten such cases, a minimum of six of which must be in the subject area of the panel during the five years immediately preceding the date to their application for the panel.³

These requirements may be met by the participation in training offered by the American Arbitration Association, the Western New York Dispute Resolution Center, Cornell University and other such institutions as well as by certified trainers. However, for admission to the panel, the specifications described above and not only the fact that the person took training from a recognized service provider, shall control.

Applicants shall specify in detail, in writing, how they have met the requirements for admission to the panel. Where a candidate is unsure if they have met their requirements, they may submit their application to the Chair of the ADR Committee who shall refer the matter to at least two members of the Committee who are recognized as experienced mediators. They shall rule on the admissibility of the candidate.

Waivers. In unusual situations, such as that of a retiring government mediator, a candidate may make application to the chair of the ADR Committee to be admitted to the panel when the candidate can demonstrate that he or she has met the requirements for admissions through experience and/or training other than that described above. The Chair shall refer the application in the manner described in the paragraph above.

Experience settling cases in pre-trial settings shall not be considered for purposes of satisfying the criteria for admission to the panel.

¹Candidates who have practiced in areas subject to mediation by the panel, may waive three hours of twenty hours of training.

²Some aspects of mediation are generic to all types of mediation. This requirement anticipates that generic mediation training is appropriate for some of the training obligation.

³The admission requirements are satisfied where a ratio of a single mediator and co-mediator or apprentice mediator experience is offered, e.g., a candidate with three single mediators would also require four co-mediators or apprentice mediators to satisfy the admission requirement.

I do hereby certify that I have met the above guidelines and criteria:

Signature

Note: All referrals are based on the available information received from the potential client regarding the alleged subject matter of the claim. Each referral is screened for his/her ability to pay for legal services and is advised of the \$20 consultation fee.

Administrative Law

- Liquor License
- Social Security Disability
- Gun Permits
- State Workers' Compensation
- Federal Workers' Compensation

ADR/Mediation (General)

Bankruptcy

- Chapter VII/Liquidation
- Chapter XI/Reorganization
- Chapter XIII/Adj. of Debts
- Debt Consolidation

Business

- Formation & Advice
- Not-for-Profit
- Unfair Competition
- Franchises
- Securities Litigation
- General Business Litigation

Civil Rights

- Mental Health Law
- Police Brutality
- False Arrest
- Wrongful Death

Collection/Debt

- Commercial Litigation
- Garnishment/Frozen Accounts

Computer Law

Employment Law

- Pensions
- Unemployment Insurance
- Unemployment Ins. Appeal
- Professional Discipline
- Retirement

Family Law

- Adoption
- Foster Care
- Abuse/Neglect/CPS Issues
- Custody/Visitation
- Drug/Alcohol Problems
- Juvenile Law/PINS
- Divorce/Separation
- Name Change
- Annulment
- Paternity
- Support
- Pre-nuptial Agreement
- Order Protection
- QDRO's

Criminal Law

- Misdemeanor
- Felony
- DWAI/DWI
- Traffic Violations
- Transportation Laws
- Expungements
- Parole Revocation
- Probation
- Appeals
- Federal
- Order of Protection

Education Law

Elder Law

- Medicaid
- Medicare
- Social Security
- Conservators
- Health Care Decisions
- Living Wills
- Living Trusts
- Article 81 Guardianship

Consumer Law

- Contracts
- Credit/TRW
- Home Improvement Fraud
- Lemon Law
- Student Loans
- Repossessions

Entertainment Law

- Music, Recording
- Film, Television
- Publishing

Environmental Law

- Asbestos Litigation

Immigration

- Visas, Naturalization
- Labor Certification
- Fraud Investigation
- Deportation
- Border Repossessions

Insurance Law

- Life, Health Insurance Denials
- Defense Litigation
- Home, Fire, Property
- Auto Insurance Claims/Denials
- Long-Term Disability
- Short-Term Disability

Slip & Fall

Small Claims Court

- Civil Claims (\$3,000 - \$15,000)

Medical Malpractice

- Appeals

Surrogate Practice

- Estate Planning
- Power of Attorney/Health Care Proxy
- Probate
- Wills
- Trusts
- Guardianship

Intellectual Property

- Copyright
- Patent
- Trademark

Negligence

- Automobile
- Product Liability
- Property Damage
- Personal Injury
- Appeals

Real Estate

- Commercial
- Residential
- Condominiums
- Discrimination
- Foreclosure (Mortgage/Tax)
- Landlord/Tenant
- Mechanics Lien
- Oil/Gas Leases
- Tax Certiorari
- Zoning
- Litigation
- Housing Court Violations

Occasionally, callers request an attorney in the following categories. These categories do not count as part of your five selections and we invite you to indicate any in which you have experience and are willing" to accept referrals. **Please note the new categories.**

- | | | |
|---|---|--|
| <input type="checkbox"/> Admiralty Law | <input type="checkbox"/> Agricultural Law | <input type="checkbox"/> Anti-Trust Law |
| <input type="checkbox"/> Banking/Privacy Rights | <input type="checkbox"/> Dental Malpractice | <input type="checkbox"/> Lead Poisoning |
| <input type="checkbox"/> Veteran's Rights | <input type="checkbox"/> Military Law | <input type="checkbox"/> Slander/Libel |
| <input type="checkbox"/> Special Education | <input type="checkbox"/> Third Party Claims | <input type="checkbox"/> International Laws |
| <input type="checkbox"/> University/ College | <input type="checkbox"/> ERISA | <input type="checkbox"/> Indian Law |
| <input type="checkbox"/> Estate Planning/ Special Trusts For the Handicapped | <input type="checkbox"/> NY Disability/Retirement | <input type="checkbox"/> HIPPA/ Privacy Issues |
| <input type="checkbox"/> American Disabilities Act | <input type="checkbox"/> Employment! Union issues | <input type="checkbox"/> Collaborative Law (Certified) |
| <input type="checkbox"/> Legal Malpractice | <input type="checkbox"/> Taxation/Income Tax | <input type="checkbox"/> Eminent Domain |
| | <input type="checkbox"/> Auditor Deficiency | |
| | <input type="checkbox"/> Filing or Other Advice | <input type="checkbox"/> Identity Theft |