

# RULES OF THE CENTRAL KENTUCKY LAWYER REFERRAL SERVICE

## FAYETTE COUNTY BAR ASSOCIATION

2016-2017

### I. POLICY

It is the policy of the Central Kentucky Lawyer Referral Service (CKLRS) to provide a comprehensive, efficient, and practical referral system for legal services in Fayette County. The CKLRS shall be supervised by the Lawyer Referral Service Committee (Committee), whose members shall be members of the Fayette County Bar Association (Association) that serve on a volunteer basis according to the CKLRS Proposed Organizational Structure.

### II. PURPOSE

The purpose of the CKLRS is to make legal services more accessible to the public by providing the public with referrals to members of the Bar consistent with relevant circumstances, such as the type and complexity of the legal problem presented by a client, his or her spoken language, geographical convenience, and ability to pay for the desired services.

### III. MEMBERSHIP RULES

#### A. ELIGIBILITY

Members of the CKLRS (Panel Member) must meet the following requirements:

1. Be an active member of the Kentucky Bar Association (KBA);
2. Shall not have been involuntarily removed from a lawyer referral service within the past two years;
3. Shall be able to practice in Fayette County by maintaining an office in Fayette or an adjacent county or making satisfactory arrangements that are convenient to the clients;
4. Shall not currently be the subject of KBA disciplinary proceedings nor have any pending criminal charges without satisfactory explanation to the Committee;
5. Shall never have been the subject of KBA disciplinary proceedings closed in a manner adverse to the Panel Member, including matters closed by involuntary removal, nor shall the Panel Member ever have been convicted of a criminal offense without satisfactory explanation to the Committee;
6. Shall provide continuing proof of a policy of error and omission coverage with a minimum of \$100,000.00-\$300,000.00 liability limits;
7. Shall agree in writing to abide by all rules of the CKLRS, complete all necessary application forms and remit annual dues. Panel membership is for a period of one year and renewed annually;
8. Personally certifies competency in an area of law in which clients will be accepted. In order to maintain panel membership, each Panel Member is encouraged to attend CLE training related to any panels in which they are enrolled and provide the CKLRS with an annual accounting showing the required CLE attended if requested;
9. Panel Members are required to treat clients with respect and handle the CKLRS retained cases in a timely and professional manner.

#### B. ANNUAL MEMBERSHIP FEE

An annual membership fee of \$300 is required for membership. This fee is waived for current members of the Fayette County Bar Association. Costs for areas of law are as follows: \$30.00 per panel shall be paid by each Panel Member, payable on admission or renewal. Panel Members must understand that there is no assurance that fee-generating referrals will result from panel membership on any panel.

#### C. FEES

1. Each Panel Member shall personally conduct the initial screening with each referred client at an appropriate time in the Panel Member's office or over the telephone. In matters that require a Panel Member to conduct a consultation it should be for a maximum of one-half hour. The Panel Member may collect the maximum consultation fee of \$50 from the client but is not obligated to do so. The Panel Member shall establish a written fee agreement in advance with the client if additional compensation is to be sought for any consultation or other services beyond the initial one-half hour. A copy of the written fee agreement shall be provided to the CKLRS which will include an acknowledgment by the client and the Panel Member that the CKLRS has the right to contact the client; to discuss the quality of services rendered and to verify the amount of fees paid by the client to the Panel Member for those services.
2. Each Panel Member shall pay a percentage fee to the CKLRS for cases referred to them by the CKLRS on the following terms:
  - a. Anytime a case referred by the CKLRS generates attorney fees, of \$200 or more, exclusive of costs and expenses billed to the client, the Panel Member shall remit 15% of that paid fee to the CKLRS. For example: Fee of \$1,000 - \$200 = \$800 x 15% = \$120 payable to CKLRS. For the purposes of computing the amount owed to the CKLRS when a Panel Member is associated with a firm or group, the total fee received by the firm on referred matters shall be deemed the fee received by the Panel Member. A percentage of the total fee is only submitted to the CKLRS on the referred case matter. (i.e., CKLRS Referral was a Divorce case/matter – Panel Member also recommends and files Bankruptcy – 15% of collected fees to CKLRS only on the Divorce portion.)
  - b. When the Panel Member pays the percentage fee to the CKLRS, the Panel Member shall also submit a fully completed and executed Case Accounting Report. The CKLRS reserves the right to request back-up documentation for all Case Accounting Reports submitted, including redacted copies of the client's bill (deleting any privileged material), and the Panel Member agrees to provide such documentation.
  - c. If the Panel Member finds he/she cannot represent the client, the Panel Member will initially attempt to refer the matter back to the CKLRS for assignment to another Panel Member. If that is impossible or unrealistic, and the Panel Member must refer the matter to another attorney, the Panel Member will pay a percentage fee to the CKLRS of 15% of any fees paid to them by the new attorney.
  - d. The Panel Member shall pay interest of 12% per annum on any fee the Panel Member fails to pay the CKLRS within sixty (60) days from the date the fee is received by the Panel Member.
  - e. For those clients referred by the CKLRS, the Panel Member shall not charge a fee any higher than those charged to clients not referred by the CKLRS.

#### D. ORGANIZATION OF PANELS

The CKLRS shall consist of a variety of sub-panels as the Committee establishes. The composition of, and referral to, sub-panels, will be based on individual clients' needs.

#### E. FEE DISPUTE/ARBITRATION

1. In the event of a fee dispute with a referred client, the Panel Member is to advise the client of the availability of mediation and/or arbitration, and to cooperate with the client by bringing

the dispute to a prompt conclusion.

2. In the event of any dispute between the CKLRS and the Panel Member regarding the amount of fees owed pursuant to this Agreement or any other issue arising hereunder, the Panel Member agrees to submit said dispute to mediation and, if mediation is unsuccessful, binding arbitration to be conducted in accordance with the rules of the American Arbitration Association. The Panel Member shall be suspended from the CKLRS pending resolution of the dispute.

#### F. DUTY TO ADVISE AND REPORT

Each member shall have the following duties:

1. Promptly remit the appropriate referral form to the CKLRS indicating the status of each client referred to them within 30 days of the referral date.
2. Panel Members wishing to withdraw from the CKLRS are required to do so in writing. No refund of panel membership fees shall be owed. Withdrawing Panel Members are still required to report and remit fees on past CKLRS referrals until all matters are brought to a satisfactory conclusion.
3. If a referred client fails to keep the initial appointment, the Panel Member is asked to advise the CKLRS by completing the CKLRS referral form and forwarding it to the CKLRS within three days of the appointment date, if possible. This is requested as a courtesy to other Panel Members to prevent the client from obtaining excessive referrals.
4. Each Panel Member shall also comply with other administrative rules as may be promulgated by the CKLRS from time to time.

### IV. SUSPENSION AND REMOVAL

#### A. MANDATORY SUSPENSION

A Panel Member is automatically suspended upon disbarment or suspension from practice by the KBA. A Panel Member shall also be suspended from the CKLRS for so long as a Panel Member fails, after ten days written notice, to do any of the following:

1. Pay the annual membership fee.
2. Return a referral form within the required 30-day period.
3. Furnish a copy of malpractice insurance declaration page.
3. Pay the CKLRS fee within the required 60-day period.
4. Submit any other documentation as may be required hereunder.

#### B. DISCRETIONARY SUSPENSION

A Panel Member may be temporarily removed or suspended from the CKLRS by the Association on any one or more of the following grounds:

1. Failure to maintain membership in the Association and CKLRS.
2. Failure to handle referred cases with professional competence and diligence.
3. Charging referred clients excessive fees.
4. Making a material misstatement on any required report.
5. Violation of the State Bar Rules of Professional Conduct of the KBA.
6. Commission of a crime involving moral turpitude.
7. Repeated discourtesy to referred clients or CKLRS staff.
8. Failure to abide by the rules of the CKLRS and/or the Code of Professional Responsibility/Ethics.

#### C. COMPLAINTS

Complaints by clients against a Panel Member will be handled by the CKLRS on a case by case basis. Upon receipt of such complaint, the Panel Member will be notified in writing of the nature of the complaint. Panel Member shall respond in writing to the members of the CKLRS committee. Panel Members may be temporarily suspended until the complaint is considered at the next regularly scheduled committee meeting. Upon review, continued suspension or removal from the CKLRS will be considered. Removals and suspensions are at the sole discretion of the Committee.

#### D. NOTICE AND HEARING

Before a Panel Member is removed or suspended on discretionary

grounds, the Panel Member shall be given twenty days written notice of a hearing at which the Panel Member may appear. The notice shall contain the grounds for suspension or removal, and the date, time, and place of the hearing. A subcommittee of the Committee, consisting of three Committee members, shall have jurisdiction to hear all matters under this rule and shall make a written decision within twenty days of the hearing unless the Panel Member consents in writing to an extension.

#### E. APPEAL

Any Panel Member may appeal the decision of the subcommittee by giving written notice of appeal to the subcommittee within ten days of receiving notice of suspension or removal. All appeals shall be heard by a committee of at least five board members of the Association, to be appointed by the President of the Association.

### V. INTERNAL OPERATIONS

A. The internal operation of the CKLRS will be under the direction of the Executive Director of the Association, and governed by the Committee and the Association.

B. Panel Members will accept referrals in those areas of law in which they have indicated interest and experience. However, should any referral give rise to a conflict of interest, or the Panel Member chooses not to represent the client for any reason, the Panel Member shall refer the client back to the CKLRS. Nothing herein will be construed to obligate a Panel Member to accept employment beyond initial consultation.

C. Panel Member referrals are made in rotation according to the area of law in which the matter falls. When a caller is referred to a Panel Member, the Panel Member's name will automatically move to the bottom of the rotation in that particular area of law.

D. By signing the application for the CKLRS, each Panel Member agrees to abide by all the rules of the CKLRS, and in no event hold, or claim to hold, the CKLRS or any of its officers, members or employees liable for the operation of, or use of the information contained in his application for the internal operations of the CKLRS

### VI. AMENDMENTS

The Committee is empowered to enact such additional rules, amendments to the existing rules, and adopt such forms and procedures, as it deems necessary to provide for the effective operation of the CKLRS. Enactment's, amendments, or adoption of forms shall be effective thirty days after written notice has been mailed to each Panel Member. Publication in the newsletter of the Association shall be sufficient notice to Panel Members.

# CKLRS Panels

(You may sign up for as many sub-panels as you want)

## ADMINISTRATIVE

- Administrative Law, Miscellaneous
- Department of Motor Vehicle Issues

- Professional Licensing and Certification Issues
- Matters before the Kentucky Department of Labor

## APPELLATE – CIVIL \*\*\*EXPERIENCE PANEL\*\*\*

- State
- State & Federal

**For all Experience Panels, 6 hours of CLE in the area within the past 2 years is strongly encouraged.**

## APPELLATE – CRIMINAL \*\*\*EXPERIENCE PANEL\*\*\*

- Misdemeanor
- Felony
- Murder or Death Penalty

**For all Experience Panels, 6 hours of CLE in the area within the past 2 years is strongly encouraged.**

## BUSINESS

- |  |  |
|--|--|
| <input type="checkbox"/> Anti-trust or Unfair Competition              | <input type="checkbox"/> Formation of a Business Entity: Profit              |
| <input type="checkbox"/> Business Contracts                            | <input type="checkbox"/> Franchises / Chains / Dealerships: Sale or Purchase |
| <input type="checkbox"/> Business Litigation (e.g. breach of contract) | <input type="checkbox"/> General Contracts                                   |
| <input type="checkbox"/> Commercial Paper                              | <input type="checkbox"/> High Tech / Cyberspace / Computer                   |
| <input type="checkbox"/> Customs Regulations                           | <input type="checkbox"/> International Trade/Business Matters                |
| <input type="checkbox"/> Dissolution of a Business Entity: Non-Profit  | <input type="checkbox"/> Sale or Purchase of a Business                      |
| <input type="checkbox"/> Dissolution of a Business Entity: For Profit  | <input type="checkbox"/> Securities Issuance                                 |
| <input type="checkbox"/> Formation of a Business Entity: Non-Profit    | <input type="checkbox"/> Securities Litigation                               |

## COLLECTIONS

I represent Creditors;     I represent Debtors

- |  |                                       |
|--|---------------------------------------|
| <input type="checkbox"/> Commercial                    | <input type="checkbox"/> Personal     |
| <input type="checkbox"/> Commercial Law, Miscellaneous | <input type="checkbox"/> Repossession |
| <input type="checkbox"/> Foreclosure                   | <input type="checkbox"/> Student Loan |

## CONSUMER LAW

- |  |   |
|--|---|
| <input type="checkbox"/> Automobile: Purchase, Lease, Repair Issues    | <input type="checkbox"/> Issues with Financial Advisors or Broker |
| <input type="checkbox"/> Banking                                       | <input type="checkbox"/> Lemon Law                                |
| <input type="checkbox"/> Construction / Remodeling / Home Improvements | <input type="checkbox"/> Purchase of Home / Mobile Home           |
| <input type="checkbox"/> Consumer Credit                               | <input type="checkbox"/> Utility Complaints                       |
| <input type="checkbox"/> Consumer Fraud                                | <input type="checkbox"/> Warranties                               |
| <input type="checkbox"/> Identity Theft                                |   |

**CRIMINAL**

**I handle Federal Crime Cases**

- Criminal Abuse / Neglect Charges
- Criminal Law, Miscellaneous
- DUI / AI / PI
- Felony Murder / Death Penalty
- Felony Other than Murder / Death Penalty

- Misdemeanor
- Post Conviction Relief
- Record Expungement
- Traffic Violation

**DISABILITY**

- Civil Commitments
- Conservatorship
- Curatorship

- Guardianship
- Modification or Revocation of Guardianship
- Power of Attorney

**DOMESTIC RELATIONS**

- Abuse / Neglect Cases
- Adoption of Foreign Children
- Adoptions
- Child Support
- Custody
- Dissolution - Contested
- Dissolution - Uncontested
- Domestic Violence EPOs
- Grandparents Rights
- Guardianship of Minors

- International Custody
- Interstate Custody
- Legal Separation
- Maintenance
- Parental Kidnapping
- Paternity / Unwed Families
- Post Judgment Matters (Custody, Child Support, Visitation)
- Pre-Nuptial Agreements
- Termination of Parental Rights

I am interested in being compensated for complying with Kentucky Supreme Court Rules 3.130 which states "A lawyer is encouraged to voluntarily render public interest legal service... rendering a minimum of fifty (50) hours of service per calendar year...at no fee or reduced fee..." Please send me information on the FCBA Modest Means Program.

**EDUCATION**

- Child Abuse / Negligence Allegations
- Education Malpractice, Defense

- Education Malpractice, Plaintiff
- School Governance

- Student Rights
- Teacher Rights

**ELDERLY**

- Food Stamps
- Hospital Law
- Housing

- Medicaid
- Medicare
- Nursing Home Law

- SSI (Social Security)

**EMPLOYEE BENEFITS**

- COBRA
- ERISA

- IRA
- Retirement

- Severance Package

**ENTERTAINMENT & SPORTS LAW**

- Artist
- Entertainment Law, Miscellaneous
- Musicians
- Sport

**ENVIRONMENTAL**

- Air Pollution / Citizen or Industry Concerns
- Coal Mining / Citizen or Industry Concerns
- Hazardous Waste / Citizen or Industry Concern
- Landfills / Citizens or Industry Concerns
- Mineral Leasing Contracts
- Noise Pollution / Citizen or Industry Concerns
- Radioactive Waste / Citizen or Industry Concerns
- Real Estate / Citizen or Industry Concerns
- Superfund (CERCLA) / Citizens or Industries Concerns
- Water or Admiralty / Citizen or Industry Concerns

**EQUINE**

- Boarding & Breeding Agreements
- Co-Ownership Agreements
- Equine
- Foal Sharing Agreements
- Litigation (i.e., ownership, boarding, breeding, sale)
- Mare Leasing Agreements
- Stallion Syndication Agreements
- Training Agreements
- Transfer of Ownership Interests

**IMMIGRATION**

- Adjustment of Status
- Application for Citizenship
- Change of Non-Immigrant Status
- Deportation Hearing
- Exclusion Hearing
- Fraud Investigation
- Naturalization Petition
- Visa Petition / Application

**INDIVIDUAL RIGHTS**

- False Imprisonment
- Handicap / Americans with Disabilities Act
- HIPPA
- Improper Conduct of Police Office
- Individual Rights / 42 USC 1983
- Individual Rights / Civil Rights

**INSOLVENCY**

- Adversary Actions
- Corporate Bankruptcy
- Farm Bankruptcy
- Foreclosure
- Personal Bankruptcy
- State Court Receivership / Common Law Composition
- Unsecured Creditors Committees

**INSURANCE**

- Agents, Companies & Coverage
- Automobile
- Bad Faith
- Disability
- Home
- Insurance Defense
- Life
- Major Medical / Hospitalization
- Patient Rights

**INTELLECTUAL PROPERTY**

Copyrights / Trademarks / Servicemarks  
 Intellectual / Internet Law

Unfair Competition and Trade Secrets

**INTERNATIONAL**

Foreign Labor Laws  
 Foreign Tax Laws

Import / Export  
 International Contracts

**JUVENILE**

Criminal – Misdemeanor / Felony  
 Delinquency

Dependency  
 Emancipated Minor

**LABOR**

Child Labor  
 Employer-Employee Relations  
 Employment Discrimination  
 Federal Contractor Law  
 FLMA (Family & Medical Leave Act)  
 FLSA (Fair Labor Standards Act)  
 Labor Union Representation

Minimum Wage  
 OSHA  
 Overtime  
 Sexual Harassment  
 Unemployment Compensation  
 Wrongful Discharge

**LANDLORD / TENANT**

Administrative

Landlord / Tenant Disputes

Residential Lease Agreements

**MEDIATION**

I am a Certified Mediator through  KY AOC  Other Agency \_\_\_\_\_

General Civil Mediation

General Family Mediation

**MILITARY**

Active

Veterans Benefits

Veterans Rights

**PATENT**

I am licensed to practice before the US Patent and Trademark Office

Certification Number \_\_\_\_\_

**PRODUCT LIABILITY \*\*\*EXPERIENCE PANEL\*\*\***

Within the last five years, I have experience in practicing two cases as lead counsel (check all that apply);

Product Liability, Defense  Product Liability, Plaintiff

**For all Experience Panels, 6 hours of CLE in the area within the past 2 years is strongly encouraged.**

**PROFESSIONAL NEGLIGENCE \*\*\*EXPERIENCE PANEL\*\*\***

Within the last five years, I have experience in practicing two cases as lead counsel (check all that apply);

**I do PLAINTIFF'S work;**  **I do DEFENSE work**

Construction Negligence  Medical Malpractice  Veterinary Malpractice  
 Dental Malpractice  Other Malpractice  
 Legal Malpractice  Psychiatric Malpractice

**For all Experience Panels, 6 hours of CLE in the area within the past 2 years is strongly encouraged.**

**REAL ESTATE**

Boundary Disputes  Litigation (i.e., title defects, conveyance issues, easements, encroachments)  
 Buying and Selling  Mining  
 Condominiums  Neighborhood Associations  
 Construction Contracts  Oil and Gas  
 Eminent Domain / Condemnation  Real Estate Disputes  
 Foreclosure  Subdivisions / Restrictive Covenants  
 Lien Enforcement  Zoning

**SOCIAL SECURITY**

Disability  SSI (Retirement Social Security)  Survivors Benefits

**TAX**

Corporate Income Tax  State and Local Tax Matters  
 Fiduciary Income Tax  Tax Advice / Corporate  
 Gift Tax  Tax Advice / Personal  
 Individual Income Tax  Tax Disputes  
 Partnership Income  Tax Fraud Issues

**TORTS**

**Plaintiff**

- Assault and Battery
- Aviation Accidents
- Libel / Slander
- Malicious Prosecution
- National Vaccine Act
- Neighborhood Disputes
- Other Personal Injury
- Personal Injury / Automobile Accidents
- Personal Injury / Slip and Fall
- Police / Prison Brutality
- Property Damage
- Sexual Assault Torts
- Trespass to Property
- Wrongful Death

**Defense**

- Assault and Battery
- Aviation Accidents
- Libel / Slander
- Malicious Prosecution
- National Vaccine Act
- Neighborhood Disputes
- Other Personal Injury
- Personal Injury / Automobile Accidents
- Personal Injury / Slip and Fall
- Police / Prison Brutality
- Property Damage
- Sexual Assault Torts
- Trespass to Property
- Wrongful Death

**WILLS**

- Advance Directives / Living Will
- Conservatorship
- Estate Planning
- Guardianship of Incapacitated Adults
- Name Change

- Probate / Power of Attorney
- Trusts
- Will Contest
- Will Drafting

**WORKERS' COMP**

- Appeals
- Employer Defense

- Federal
- State