

RULES OF OPERATION OF THE WYOMING STATE BAR LAWYER REFERRAL SERVICE

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2004

In the Matter of the Adoption of)
Rules of Operation of the)
Wyoming State Bar)
Lawyer Referral Service)

ORDER ADOPTING RULES OF OPERATION OF THE WYOMING STATE BAR LAWYER REFERRAL SERVICE

This matter came before the Court upon a recommendation from the Wyoming State Bar that this Court adopt the Rules of Operation of the Wyoming State Bar Lawyer Referral Service (the proposed rules), attached hereto. This Court, having examined the proposed rules, finds that the adoption of those rules is advisable. In addition, because the proposed rules are intended to replace the previous "Rules of Operation of the Wyoming Lawyer Referral Service of the Wyoming State Bar," this Court also finds it necessary to repeal that set of rules. It is, therefore,

ORDERED that the Rules of Operation of the Wyoming State Bar Lawyer Referral Service, attached hereto, be, and hereby are, adopted by the Court to become effective March 1, 2005; and it is further

ORDERED that the "Rules of Operation of the Wyoming Lawyer Referral Service of the Wyoming State Bar," be, and hereby are, repealed, effective March 1, 2005; and it is further

ORDERED that the Rules of Operation of the Wyoming State Bar Lawyer Referral Service, attached hereto, shall be published in the advance sheets of the Pacific Reporter, the Wyoming Reporter, and in the Wyoming Court Rules; and that the Rules of Operation of the Wyoming State Bar Lawyer Referral Service shall thereupon be spread at length upon the journal of the Court.

Dated this 23rd day of February, 2005.

BY THE COURT:

William U. Hill
Chief Justice

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Rule 1. Purpose.

The purpose of the Wyoming State Bar Lawyer Referral Service is to assist the public by providing referrals for legal services.

Rule 2. Definitions.

- (a) "State Bar" means the Wyoming State Bar.
- (b) "Committee" means the Wyoming State Bar Lawyer Referral Committee.
- (c) "Client" means a person seeking a referral for legal services.
- (d) "Service" means the Wyoming State Bar Lawyer Referral Service.
- (e) "Member" means an attorney registered with the Wyoming State Bar Lawyer Referral Service, unless otherwise designated.
- (f) "President" means the President of the Wyoming State Bar.
- (g) "Coordinator" means the Lawyer Referral Coordinator of the Wyoming State Bar.

Rule 3. Committee.

- (a) There is hereby established a Lawyer Referral Service Committee to be appointed by the President of the State Bar. The Committee will consist of no fewer than seven members, who are active members of the State Bar. Members will be appointed for three year terms.
- (b) Each year, the President will designate one of the members to serve as chairperson. The Coordinator will serve as the Executive Secretary to the Committee.
- (c) The Committee has general supervisory authority over the administration of these rules.
- (d) The Committee will meet at least once annually and at such other times as designated by the chairperson.
- (e) A majority of the Committee shall constitute a quorum to carry out business.

Rule 4. Method of Referrals.

Referrals will generally be made on a rotating basis, within fields of law and geographical areas. Matters requiring fluency in a foreign language will, to the extent possible, be referred to an attorney having fluency in that language.

Rule 5. Eligibility.

To be eligible to register with the Service, attorneys must:

- (a) be an active member in good standing of the State Bar;
- (b) have and maintain the minimum amount of professional liability insurance as set by the Committee and provide proof thereof to the Service;
- (c) waive liability and agree to indemnify and hold harmless the State Bar, its members, the Committee and its agents, from any claims, demands, actions, liability or loss which may arise from, or be incurred as a result of, the operation of the Service or referrals of clients to him or her through the Service, or the use of information contained in the registration form;
- (d) agree that the information contained in the registration form may be furnished to clients in the operation of the Service; and
- (e) certify that he or she is competent by virtue of experience and/or education in the fields of law designated by the registrant on the registration form.

Rule 6. Registration and Renewal.

- (a) Any eligible member of the State Bar engaged in the active practice of law may register with the Service by:

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- (1) submitting an application, on a form prescribed by the Committee, to the State Bar;
- (2) providing and maintaining proof of professional liability coverage; and
- (3) paying the registration fee set by the Committee.

(b) Membership in the Service is renewable each calendar year. As soon as practicable after November 1, renewal applications will be mailed to all Members of the Service. Any eligible member of the State Bar who is registered with the Service may renew membership in the Service by remitting the following to the State Bar no later than December 31:

- (1) Application for Renewal of Membership, on a form prescribed by the Committee;
- (2) proof of professional liability coverage; and
- (3) yearly renewal fee set by the Committee.

Failure to follow the above procedures will result in suspension of membership in the Service per Rule 10 of these rules.

Rule 7. Attorneys' Fees and Fee Disputes.

If a referral results in an attorney/client relationship, the Member will ensure that:

- (a) all attorney/client relationships entered into as a result of a referral by the Service include a written fee agreement between the parties;
- (b) all compensation for services is reasonable and subject to the current *Rules Governing Contingent Fees for Members of the Wyoming State Bar*; and
- (c) disputes regarding fees will be governed by the *Rules for Resolution of Fee Disputes* and provision for such dispute resolution is included in the fee agreement.

Rule 8. Fields of Law.

The Committee will establish a listing of fields of law and its related sub-areas. The Committee may add or delete fields of law at its discretion. On the application and renewal forms, Members will select fields of law for which they wish to receive referrals.

Rule 9. Disclaimer.

The Coordinator will provide a disclaimer similar to the one below to each client seeking a referral.

“The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer’s credentials and ability, and not rely upon advertisements or self-proclaimed expertise.”

Rule 10. Suspension.

(a) The Committee may suspend membership in the Service for good cause. Good cause for suspension of a member includes but is not limited to:

- (1) violating any of these rules;
- (2) failure to handle referred cases with reasonable professional competence and diligence;
- (3) falsification of any material statement in the application for membership or the application for renewal of membership forms, or in any other required form;
- (4) failure to demonstrate proof of professional liability insurance;
- (5) failure to pay the Wyoming Lawyer Referral Service annual renewal fee;
- (6) failure to submit required reports;
- (7) failure to comply with all rules of the Service and/or maintain continuous eligibility due to:

Rule 11

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(A) disbarment, suspension, interim suspension or termination imposed by the Wyoming Supreme Court or other appropriate disciplinary or licensing authority of any state or jurisdiction for any reason; or

(B) voluntary withdrawal, retirement or change to inactive status;

(8) failure to accurately report in writing to the Committee within 10 business days of the occurrence of any of the circumstances listed in (7) above.

(b) A notice of suspension will be served, certified mail, return receipt requested, to the Member at his or her address of record with the State Bar. The notice will inform the Member of the grounds for suspension and that he or she has 10 business days from receipt of the notice within which to cure the violation. If the violation is not cured within 10 business days of receipt of the notice, membership will be suspended.

(c) A suspended Member may reapply for membership upon providing proof that the violation from which suspension resulted has been cured and following all other procedures listed in Rule 6 of these rules.

Rule 11. Withdrawal.

Any Member may withdraw from the Service at anytime by providing the Committee with written notice.

Rule 12. Records and Reports.

(a) A record of all Members of the Service will be maintained by the Coordinator. The Coordinator will keep all records required by the Committee.

(b) The Coordinator will make reports to the Committee at the request of the Chair of the Committee. The Committee will file an annual report with the Board of Commissioners of the Wyoming State Bar.

(c) Each Member will keep a record of the number of Clients referred to him or her through the Service in which an attorney/client relationship has been established and the fields of law involved. Each Member will report these as the Committee directs.