

Idaho State Bar Lawyer Referral Service Rules *(Effective Jan. 1, 2016)*

Article I. Purpose

The Idaho State Bar (hereafter the ISB) Lawyer Referral Service (hereafter the LRS) shall exist primarily for the benefit of the public. The LRS's purpose shall be to efficiently provide a good match for paying clients and qualified attorneys.

Article II. Organization

The LRS shall operate under the general supervision of a committee appointed by the ISB Board of Commissioners. The LRS day-to-day business shall be conducted at the ISB office in Boise, Idaho under the supervision of the ISB Executive Director.

Article III. Membership in the LRS

The LRS shall maintain a panel of attorneys listed by city and practice area. On the membership application each attorney shall designate practice areas in which the attorney is qualified and will accept referrals. Those attorneys choosing bankruptcy, high-conflict family law and felony criminal matters, an additional agreement must be signed. To be admitted to membership in the LRS, an attorney must:

1. Be a member of good standing in the ISB and regularly practice in Idaho;
2. Certify that he/she is competent to handle all areas of law for which he/she applies;
3. Have in effect, and continue to maintain, professional liability insurance in a minimum amount of \$100,000 for the protection of clients;
4. Agree to charge no fee for a half hour consultation for clients referred by the LRS;
5. Abide by all of the rules of the LRS, and;
6. Agree to indemnify and hold harmless the ISB, its officers, members, agents, or employees from any all claims, expenses, attorney fees and costs, liability or loss arising from or incurred through any negligence or intentional conduct of the attorney which cause damage, real or alleged, to anyone referred to attorney by the LRS. In addition, the attorney agrees to waive any and all claims against the ISB, its officers, members, agents, or employees for any or all claims, expenses, attorney fees and costs, liability or loss arising from the operation and policies of the LRS including, but not limited to, referral or non-referral of a person or client, denial of or removal from panel membership, and provision of information about the attorney to any person or the clients.

Article IV. Withdrawal/Removal from LRS Membership

An attorney may, at any time, withdraw from participation in the LRS upon written notice to the LRS administrator, addressed to the ISB. The attorney shall not thereby be relieved of the duty to represent any person previously referred by LRS, in accordance with the rules, any pending cases, or any obligation incurred during LRS membership. An attorney's membership in the LRS may be terminated or suspended for any of the following reasons:

1. The filing of formal disciplinary charges by the ISB, as noted in the ISB Resolution No. 80-7;
2. Failure of an attorney to maintain professional liability insurance in a minimum amount of \$100,000 for the protection of clients.

Any attorney's membership may be terminated or suspended, as determined by the LRS Committee, for the following reasons only after the attorney has reasonable notice of charges against him or her, and an opportunity to respond. Any attorney whose membership in the LRS is terminated or suspended for the following reasons shall have the right to appeal to the ISB Board of Commissioners.

1. Material misrepresentation of fact on the application for membership.
2. Failure of an attorney to return any report required by the LRS;
3. Failure of an attorney to comply with the rules of the LRS.

Minimum Qualifications *(Additional qualifications apply)

*Criminal Experience Panels

Felony criminal cases:

In addition to the qualifications required by the Idaho State Bar to participate as a panel member in the Lawyer Referral Service, the following additional qualifications are required to accept a case concerning a felony in the District Court of Idaho.

Panel membership:

Check One:

I meet the Trial Attorney Qualifications of I.C.R. 44.3(3) as either lead trial counsel, co-counsel, or appeal/post-conviction counsel.

OR

I am certified and remain in good standing as a specialist in criminal trial advocacy or DUI defense by an American Bar Association (ABA) accredited certification program or am a member of the following state bar association and certified as a criminal law specialist under its state sponsored certification plan, state sponsored plan to accredit private certifiers, or by designation of its supreme court commission on CLE and specialization (attach a photocopy of current certification document and expiration date).

OR

I have handled to conclusion: (a) at least 5 misdemeanor and/or felony cases during the past 5 years OR have completed one or more (felony criminal or district court civil) matters through trial by Court or Jury to verdict. The below cases establish satisfaction of these requirements.

Case No. 1:

Case # _____ State and County _____

Case No. 2:

Case # _____ State and County _____

Case No. 3:

Case # _____ State and County _____

Case No. 4:

Case # _____ State and County _____

Case No. 5:

Case # _____ State and County _____

I do not meet the criteria above, but I agree to consult with an attorney mentor either of my own choosing or provided through the Idaho State Bar upon "accepting the referral."

The attorney also applies based on attorney's representation that he/she complies with Rule 1.1 of the Idaho Rules of Professional Conduct that states; "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

Date

Attorney Signature

*Bankruptcy Experience Panels

In addition to the qualifications required by the Idaho State Bar to participate as a panel member in the Lawyer Referral Service, the following additional qualifications are required to accept a Bankruptcy case, as recognized under the Federal Bankruptcy Code: Chapter 7, Chapter 13 and Chapter 11. Attorneys will have to meet an experience standard under each sub-panel to be referred cases from callers who identify the specific type of bankruptcy they desire. Acceptance of one type of bankruptcy case will not prevent the attorney from handling the case by whatever legal remedy they consider appropriate under the unique circumstances of the client's situation.

Panel membership:

Check One:

I have represented clients in at least five Chapter 7 and/or Chapter 13 and/or Chapter 11 bankruptcy matters in the past five years.

Case No. 1: Case # _____
Judicial District _____

Case No. 2: Case # _____
Judicial District _____

Case No. 3: Case # _____
Judicial District _____

Case No. 4: Case # _____
Judicial District _____

Case No. 5: Case # _____
Judicial District _____

OR

[] I have not represented a client in at least five Chapter 7 and/or Chapter 13 and/or Chapter 11 bankruptcy matters in the last five years but I agree to consult with an attorney mentor either of my own choosing or provided through the Idaho State Bar regarding the issues in the case when I accept the referral.

The attorney also applies based on attorney’s representation that he/she complies with Rule 1.1 of the Idaho Rules of Professional Conduct that states; “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Attorney Signature

***Family Law Experience Panels**

Family law matters involving contested property or contested child custody:

In addition to the qualifications required by the Idaho State Bar to participate as a panel member in the Lawyer Referral Service, the following additional qualifications are required to accept a family law case. This sub-panel will be used in all cases in which the party indicates that the issue of property, including real estate, business assets or retirement accounts or matters involving child custody, visitation or support is or will likely be contested.

Panel membership:

Check One:

[] I have represented 1 or more clients in 5 or more family law matters over the past 5 years that was resolved by a Court Judgment.

Those cases where I have represented a party in a family law matter are:

Case No. 1: Case # _____
Judicial District _____

Case No. 2: Case # _____
Judicial District _____

Case No. 3: Case # _____
Judicial District _____

Case No. 4: Case # _____
Judicial District _____

Case No. 5: Case # _____
Judicial District _____

OR

[] I have not represented a client in at least 5 family law matters but I agree to consult with an attorney mentor either of my own choosing or provided through the Idaho State Bar when I accept the referral.

The attorney also applies based on attorney’s representation that he/she complies with Rule 1.1 of the Idaho Rules of Professional Conduct that states; “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Attorney Signature