

MARICOPA COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
QUALITY ASSURANCE PROCEDURES

The LRS is a service to the public and must function in a way to assure professional service and to be sensitive to the concerns of both attorneys and clients. The Service welcomes feedback from both clients and attorney members.

Quality control authority is vested in the LRS Director and LRS Committee.

THE CLIENTS

Client Follow-up Surveys

LRS surveys a sample of clients using the LRS service each quarter. Questions are asked to assess the concerns with either the administrative service or the service provided by attorneys. Information obtained by such follow-up procedures should be used to make such alteration in the operation of the Service as may appear desirable to the Committee from time to time.

Client responses are used in three ways:

- Surveys give feedback on quality of service provided by the LRS staff.
- Surveys give feedback on quality of service provided by the panel attorneys. If the client has written any significant comments about the experience with the attorney, whether positive or negative, copies are mailed to the attorney directly if staff feels that would be constructive. Copies are also placed in the attorney's file. If the attorney was criticized in the survey and wished to provide a written response, the response is placed in the attorney's file.
- Surveys provide a limited check on attorney reporting of fees. If the survey form reports the amount of fees paid, staff compare that figure to the amount of fees reported by the attorney for legal services. If there is a significant discrepancy, staff contacts the attorney in order to explain that discrepancy.

HANDLING CLIENT COMPLAINTS

Explaining options

- The LRS will deal with all client complaints in a courteous and responsible manner. Every client who calls to complain about service should be informed of the approaches to finding an acceptable solution. LRS Interviewers will keep a log of all complaints and the steps taken to resolve the issue.
- Where the complaint of the client appears to deal with matters covered by the Rules of Professional Conduct, the client will be referred to the State Bar of Arizona to file a formal complaint.
- If, following attempts at an informal solution the complaint has not been resolved, the Director will submit the complaint to the LRS Committee. The Committee must act within 60 days and the finding will be reported to both the attorney and the client. The Committee may, at its discretion, delay or forego an investigation if a State Bar investigation is pending.

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Informal Process:

- If at all possible, an informal process will be pursued. Most complaints from clients are satisfactorily concluded by providing an additional referral without charge. Other issues are best solved by having LRS staff act as an informal mediator between attorney and client. If informal efforts are not successful in dealing with the complaint, a more formal procedure should be followed.
- Any complaint that cannot be handled informally by the LRS staff by either providing an additional referral without charge and/or informal mediating by LRS staff must be reported to Director. The client must submit the complaint in writing.

Formal Process:

- Any complaint, charge or report that a panel attorney has violated the Rules of the Lawyer Referral Service, engaged in unethical or unprofessional conduct, or engaged in any other conduct that adversely reflects on his/her fitness to practice law or participate in the Service, shall initially be reviewed by the LRS Committee after a copy of the complaint, charge, or report has been sent to the attorney and the attorney has been given the opportunity to respond to the Committee in writing. The attorney has two (2) weeks from the date he/she received the copy of the complaint, charge or report to respond to the Committee. If the Committee believes that further investigation, review or action may be warranted the matter shall be referred to a Subcommittee of the LRS Committee.
- The Subcommittee shall be comprised of three (3) members: one member of the Board of Directors (who will act as Chair and who will be appointed by the President of the Association) and two (2) members of the Committee (appointed by the Chair of the Committee). Upon receipt of the complaint, the Subcommittee may then conduct an investigation and after such investigation by majority vote, the Subcommittee may suspend or terminate the registered attorney's membership in the Service. The Subcommittee shall provide written notice of any suspension or termination to the registered attorney.
- Depending on the basis for termination or suspension of membership, the matter may be referred to the State Bar of Arizona.

Appeals Process:

- The decision of the Subcommittee may be appealed to the Board of Directors of the Association for review of that decision. The appeal must be made in writing within 30 days of notice of termination or suspension, to the LRS Director, who will inform the Board of Directors of the Association and the Committee Chair. The report of the Board of Directors will be reported to the complainant within 60 days. The discipline imposed by the Subcommittee will remain in force until and unless it is overridden by the Board of Directors of the Association.

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Suspension and Removal from the Panel

Attorneys may be suspended from the Service by their own request or by action of the LRS. Annual membership dues are not refundable in any circumstances or for any reason. Responsibility for current cases is not affected by membership status.

- If an attorney requests temporary or permanent suspension of membership, the LRS director will change the status accordingly.
- The LRS director will temporarily suspend attorneys who are delinquent in returning required reports, or whose proof of malpractice insurance has expired. A grace period of 30 days is allowed for giving evidence of fulfilling LRS panel membership requirements. On evidence of fulfillment of the requirements, the attorney will once again be activated.
- On being informed by the State Bar of Arizona or by the panel member that a panel member has a pending disciplinary matter, the LRS Director will refer the matter to the LRS Committee for its' review and consideration. The Committee retains the right to temporarily remove the member from the Service during the period of the disciplinary process. Any panel member who is disbarred shall automatically be removed from the panel. Any panel member who is suspended may not participate in the Service during the period of suspension.
- An attorney may also be suspended or removed from the Service for any of the following reasons: consistent unavailability to accept referred clients; excessive complaints from referred clients; record of failure to keep appointments with referred clients; excessive complaints from referred clients; providing misinformation regarding referral dispositions and/or fees; re-referral of LRS referred clients to other attorneys without notice (including to other members of the same firm); failure to pay fees when due; failure to provide records as required; if formal criminal charges are brought against the attorney; failure to disclose within 60 days- any disciplinary action taken by the State Bar of Arizona; failure to disclose within 30 days any cancellation of malpractice insurance coverage; and any other conduct determined unprofessional, that reflects negatively on the MCBA, or is otherwise incompatible with the mission of the LRS. The Director will immediately report such issues to the LRS Committee who will review the complaint and take appropriate action as it sees fit.