

OPTIONS COUNSELING AND LAWYER REFERRAL SERVICE

Section 1: General Information

Name: _____

Firm: _____

Address: _____

City/State: _____ Zip: _____

Phone: () _____ Fax: () _____

E-Mail: _____

Website: _____

California State Bar License #: _____ (MMDDYYYY)
Admit Date: _____

Other Jurisdictions(s): _____ (MMDDYYYY)
Admit Date(s): _____

J.D. Received at: _____ (MMDDYYYY)
Graduation Date: _____

Other Degrees or Licenses: _____

Section 2: Legal Experience and Practice Information

1. **General Legal Expertise:** Please check all categories that you have demonstrated experience and skill:

- Abuse (child, domestic violence, and elder)
- Access to public accommodations and commercial facilities (Title III)
- ADAAG regulations (American with Disabilities Act Accessibility Guidelines)
- Alternative dispute resolution
- Bankruptcy
- Business
- Cancer related legal issues
- Children's rights/juvenile law
- Conservatorship/guardianship
- Consumer
- Criminal
- Discrimination/civil liberties
- Education law, special education
- Elder law
- ERISA
- Estate planning/probate
- Family law
- Fraud
- Health care
- Homeless
- Housing and Fair Housing Act
- Immigration
- Insurance
- Labor/employment law
- Landlord/tenant disputes and evictions
- Legal malpractice
- Medical malpractice
- Mental health issues
- Patient's rights
- Personal injury
- Police misconduct
- Prisoner's rights
- Real estate
- Rehabilitation
- Service animals
- Social Security/government benefits
- Tax
- Title II state and local government discrimination
- Title IV Telecommunications
- Worker's compensation
- Veteran's services
- Other: Please specify any other category: _____

2. **Disability Issues Expertise:** Briefly describe any past disability cases that you have worked on in the past three years.

3. **Discipline:** (Suspension from Practice or disbarment): Have you ever been the subject of a disciplinary proceeding by the State Bar of California or by the bar of any other jurisdiction?

- No
 Yes – If yes, please attach a detailed description of the disciplinary proceeding(s).

4. **Languages:**

Do you represent clients who speak foreign languages?

- Yes – If yes, please indicate what language(s) and whether you understand, read or write the foreign language _____

No

Are you familiar with sign language?

Yes

No

5. **Other Information:** Is there any other information that will help explain your practice and enable us to match client's needs with your skills?

7. **State Bar Certification of Specialty:**

Section 3: Subject Matter Panels and Sub-Panels

1. **Review the Panel Qualification Requirements to determine the panels you qualify for and want to receive referrals.**

2. Please check all Panels and Sub-Panels that you are interested in and qualified for:

Title I – Labor and Employment

- Employment Discrimination / Wrongful Termination
- Accommodation in the Workplace
- Civil Service
- Employment Contracts
- ERISA and Public Sector Benefits (pension, health and disability)
- Union Issues
- Workers Compensation
- Failure to Hire
- Retaliation
- Physical Access

Title III – Access to Public Accommodations and Commercial Facilities

- Barrier Removal / New Construction / Alterations
- Policy Modification
- Effective Communication
- Exclusion / Segregation / Unequal Benefits
- Retaliation

Administrative Law

- State Disability
- Unemployment Insurance
- Veterans Benefits
- Social Security
- Overpayments
- SSDI Application / Termination
- SSI
- Medicare / MediCal

Education Law

- Special Education
- IDEA
- Individual Education Plan (IEP)
- Section 504 Plan
- Mediation
- Due Process Hearing
- State and Federal Complaints
- Children's Rights
- Delinquency
- Suspension and Expulsion Hearing
- Physical/Program Access
- College and University Accommodations

Estate Planning

- Advance Directives for Healthcare
- Charitable and Advanced Giving
- Estate Planning
- Estate Tax Law

- Family Limited Partnerships
- Financial Planning Assistance
- Revocable Living Trusts
- Incapacity Planning
- Irrevocable Trusts
- Powers of Attorney for Financial Affairs
- Probate Assistance
- Probate Litigation
- Special Needs Trust
- Trust Administration
- Wills

3. Yes No I will consider "low fee" cases to accommodate the low to moderate income person needing legal assistance.

Yes No I will consider cases on a pro bono basis. If yes, what criteria do you use to determine if a case should be taken on a pro bono basis?

Yes No I will consider accepting cases on a contingency fee basis.

Section 4: Accommodations for Prospective Clients

1. Are you willing to provide accommodations to serve prospective clients with disabilities?

- Yes
- No

2. Would you like information regarding providing accommodations to person with disabilities within the judicial process?

- Yes
- No

Section 5: Terms and Conditions

I hereby certify, warrant, and agree to the following:

1. I am a member in good standing of the State Bar of California;
2. I operate and maintain an office in at least one county in the State of California in which the service operates, and it is actively engaged in the practice of law;
3. I have read and agree to be bound by this Application and Agreement (including the Qualification Standards for the panels and sub-panels for which I am applying) and the Disability Rights Legal Center Options Counseling and Lawyer Referral Service (“LRS”) Rules of Operation of Service, which are incorporated by reference, and such further Rules as may be adopted by the LRS Governing Committee or Board of Directors.
4. I am qualified to handle matters in the subject matter panels and sub-panels for which I am applying, and, if I am referred a matter for which I do not have sufficient expertise, I will immediately call the LRS and refer the matter back to the LRS.
5. I have disclosed any suspension from practice or disbarment from the State Bar of California with this application form;
6. I will abide by all rules and regulations of the LRS;
7. I agree to pay a non-refundable application fee of \$25.00, unless such fee is waived in whole or in part at the discretion of the Director and/or the Committee of the LRS;
8. I agree to pay an annual membership fee of \$100.00 plus 10 hours of pro bono service each year and that such pro bono service may include activities and/or training conducted at the Loyola Law School campus.
9. I agree to render professional services for each client referred by the LRS on the following fee basis: The first one-half (1/2) hour of the initial consultation shall be free of charge. I will pay to the LRS, upon receipt thereof, ten percent (10%) of all attorney fees above \$100.00, in addition to the annual membership fee and pro bono service requirement, from any referral made by the LRS;
10. I agree to submit any fee dispute arising between myself and a client referred by the LRS, if the client so elects, to binding arbitration by a Fee Arbitration Committee of a bar association or other established Fee Arbitration Committee established pursuant to Business and Professions Code §§6200 et seq., or by means otherwise acceptable to the State Bar;

11. I possess a policy of errors and omissions insurance in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year, and I agree to provide proof of insurance to the State Bar upon request and to provide a copy of the face page with this application. I will notify the LRS if there is any change or cancellation of the required coverage;
12. I waive any and all claims of liability against the Disability Rights Legal Center ("DRLC") or the LRS, and I agree to indemnify and hold harmless DRLC or the LRS, its members, the Governing Committee, Board of Directors, and its employees and agents from any and all claims, demands, actions, liability, or loss which may arise from or be incurred as a result of the operation of the LRS, referrals of clients to him or her through the service, or the use of information contained in the panel attorney application form;
13. While I am a member of the LRS, I will not charge a combination of fees, directly or indirectly, which will increase the client's cost of legal service beyond that which the client would normally pay absent the involvement or existence of the LRS.
14. I agree that the information contained in this application form may be furnished to clients and the State Bar in the operation of the service.
15. I have enclosed the following necessary information for LRS membership:
 - \$25.00 application fee made payable to DRLC
 - Completed application
 - Profile or current resume
 - Face page of insurance policy

I declare under penalty of perjury that the information contained in this application is true and complete.

Signed: _____

Dated: _____

PLEASE SEND COMPLETED APPLICATION MATERIALS AND REQUIRED FEES, ALONG WITH A COPY OF YOUR RESUME OR HISTORY OF EMPLOYMENT, TO THE FOLLOWING ADDRESS:

**Disability Rights Legal Center
Options Counseling and Lawyer Referral Service
Attn: Director
919 Albany Street
Los Angeles, CA 90015**

**DISABILITY RIGHTS LEGAL CENTER
OPTIONS COUNSELING AND LAWYER REFERRAL SERVICE**

Rules of Operation of the Lawyer Referral Service

ARTICLE I. PURPOSE

The purpose of the Disability Rights Legal Center Options Counseling and Lawyer Referral service ("LRS") is as follows:

- A. To make legal services readily available to persons and organizations with disability-related legal problems by providing a way in which any such person or organization may be referred to a member of the service.
- B. To establish procedures whereby every person or organization with disability-related problems may obtain legal advice and representation within his, her, or its means to pay or finance legal fees.
- C. To make available to such person or organization the services of an attorney who has shown special interest, desire, or educational background in the area of disability-related legal problems.

ARTICLE II. ORGANIZATION

- A. These articles shall be called "Articles Governing the Rules of Operation of the Disability Rights Legal Center Options Counseling and Lawyer Referral Service of the Disability Rights Legal Center". The LRS shall be administered in accordance with these articles.
- B. As used herein, the term "Lawyer Referral Service Governing Committee" ("Committee") means the Committee designated to administer the LRS of the Western Law Center for Disability Rights.
- C. The Board of Directors of the Disability Rights Legal Center shall appoint the Committee, which shall consist of not less than three members, at least fifty (50) percent of whom shall be active members of the State Bar of California. The term of the Committee Members shall be two (2) years.
- D. The LRS shall be operated by the Director of the Disability Rights Legal Center Options Counseling and Lawyer Referral Service ("Director ") who shall be selected and supervised by the Executive Director and Board of Directors of the Disability Rights Legal Center. The Director shall prepare a report for any given month for the Committee, at any time as is requested by the Chairperson of the Committee, or at least annually. Such report shall show the number of applicants for the service, the types of cases involved, and the lawyers to whom each applicant is referred. The Director shall maintain a list of lawyers eligible to receive such cases, and referrals shall be in rotation in accordance with Article III, Section B.

- E. The Director shall make available to the Committee upon request, and at least annually, a sampling of referred clients' opinions about their satisfaction with their attorney and the fees charged.

ARTICLE III. PANELS

- A. The Committee shall, subject to the approval of the Board of Directors of the Disability Rights Legal Center, maintain a panel or panels, including "Subject Matter" panels, as necessary to serve the needs of the clientele of the Disability Rights Legal Center Options Counseling and Lawyer Referral Service. The panels shall be composed of qualified members who regularly maintain an office and legal practice in the counties in which the Lawyer Referral Service operates, and who have special education or training in the respective subject matter areas. The number of years an attorney has been admitted to practice shall not be the sole criterion or qualification for "Subject Matter" panels. Further, the Disability Rights Legal Center and/or the LRS will make training available to attorneys in order to develop a pool of qualified attorneys in the area of disability-related legal issues. When any "Subject Matter" panels are established, the Committee will file with the State Bar standards and procedures for: (1) determining the qualifications for membership on the panel; (2) reviewing the qualifications of a member to remain or to be removed from the panel; and (3) appealing decisions to suspend or remove a member from the panel pursuant to Article IV, Section 3, F, of these Rules.
- B. Referrals shall be made to members of the panel by rotation. However, exceptions may be made to the rotation in order to respond to the specific circumstances of each client, including geographical convenience, needed accommodations for the client, and language needs. No referral shall be made on the basis of race, color, sex, age, religious creed, national origin, ancestry, sexual orientation, disability, medical condition, marital status, political affiliation, or veteran status.
- C. The LRS shall encourage each panel member to contact the LRS for referral to another panel member if he or she wishes to consult with a panel member having expertise in any of the various disability-related legal areas. The second panel attorney may answer legal questions, make procedural suggestions, or offer any other aid to the panel member seeking consultation.

ARTICLE IV. ADMINISTRATION

Section 1. Records - LRS Operations

- A. The Committee shall meet quarterly. The Committee shall review the operation records kept by the LRS pursuant to the following sections, as set down by the standards governing Lawyer Referral Service by the State Bar of California. The Committee shall conduct a survey of a random sampling of at least 10% of the clients to determine client satisfaction with the attorney's handling of the case and whether the client felt the fee charged was reasonable. Based on its review, the Committee shall make such alterations in the operation of the service as it deems necessary.

- B. The Director shall maintain records of the operation, including the following information: (1) The name, address, and pertinent qualifications of each panel member, and the number and types of matters referred to each panel member; (2) The name, address, and type of matter presented by each client-applicant, whether or not the applicant was referred to a panel member (and if not, why), and the name of the panel member who accepts the case. The case disposition and total fee charged and reported by the panel member shall also be recorded.
- C. The Committee shall annually file with the State Bar a report on the activities of the LRS and the Committee, on a form supplied by the State Bar.

Section 2. Requirements for Panel Attorney Membership

- A. Any member in good standing in the State Bar of California, who regularly practices and maintains an office in the counties in which the LRS operates, may apply for registration with the LRS by signing and filing with the Director an application form provided by the LRS. There shall be a non-refundable application fee of \$25.00. Continued referral service membership requires demonstration of completed 10 hours of pro bono service and payment of a \$100.00 renewal fee. The application fee, renewal membership fee and pro bono service requirement may be waived in whole or in part at the discretion of the Director and/or the Committee.
- B. Attorneys registered with the LRS agree to render professional services for each client referred by the LRS on the following fee basis: The first conference of one-half hour is free. The attorney will be required to pay 10% of all attorney fees above \$100.00 as set forth in E below. The referral fee may be waived at the discretion of the Director and/or the Committee.
- C. Each panel attorney shall keep a record of the names of each client referred by the LRS, the general nature of the matter referred, and the total fee received, and shall furnish such information to the LRS upon written request. Since each panel attorney shall be guided, governed, and bound by the California State Bars Rules of Professional Conduct, the initial contact with the panel attorney shall always be made by, or on behalf of, the person referred to said panel attorney. All communications with the person referred and intake conducted shall be confidential and subject to the attorney-client privilege or any other privileged afforded under the law.
- D. No attorney shall be registered with the LRS unless or until he or she warrants:
 - 1. That he or she is a member in good standing of the State Bar of California;
 - 2. That he or she operates and maintains an office in at least one county in the counties in which the LRS operates and is actively engaged in the practice of law;
 - 3. That he or she has disclosed with his or her application any suspension from practice or disbarment from the State Bar of California;

4. That he or she is covered by such bond, policy of errors and omissions insurance, or self-insurance as may be required by the Board of Governors of the State Bar, and, if so required, shall forward to the LRS proof of such coverage upon request;
 5. That he or she does waive any and all claims of liability against the Disability Rights Legal Center or the LRS, and agrees to indemnify and hold harmless DRLC, or the LRS, its members, and the Committee and its employees and agents from any and all claims, demands, actions, liability, or loss which may arise from or be incurred as a result of the operation of the LRS, referrals of clients to him or her through the service, or the use of information contained in the panel attorney application form. He or she agrees that the information contained in the application form may be furnished to clients or the State Bar in the operation of the service.
 6. That he or she will submit any fee disputes with clients referred by LRS to binding arbitration, if the client so elects.
- E. Each panel member shall pay to the LRS, upon receipt thereof, ten (10) percent of all fees over \$100.00 received by the panel member from any referral made by the LRS. In addition, each panel member shall pay an annual renewal membership fee of \$100.00 and complete a 10 hour annual pro bono service requirement,
- F. Each panel member shall not charge the referred clients for the first one-half hour of the initial consultation.

Section 3. Suspension or Removal

- A. Upon recommendation of the Committee, or other proof satisfactory to the majority of the Committee, the right for referrals may be suspended or removed from any panel member for any of the following reasons:
1. Violation of the Code of Professional Conduct of the State Bar of California;
 2. Failure to handle referral cases with reasonable professional competence and diligence;
 3. Substantial overcharge to referred clients;
 4. Falsification of any material statement made to qualify for any panel or in any required report;
 5. Failure to do any of the following:
 - a. Pay annual renewal fee,
 - b. Forward 10% of fees from referrals when due,
 - c. Submit all required reports,
 - d. Perform pro bono service requirements,
 - e. Comply with all rules of the service.

- B. Upon a directive of the Committee, the Director shall suspend or remove any person who violates any of the above provisions.
- C. Any person who is suspended or removed shall be notified by the Director in writing within five (5) days of such action. Such notice will be effective when mailed and shall contain the terms and conditions of suspension or removal from the panel. Notice shall be mailed certified, return receipt requested, to the last known address of the panel member.
- D. Upon receipt of such notice by any panel member, he or she may, within thirty (30) days of receipt thereof, request a hearing before a majority of the Committee. Such request for hearing shall be made in writing and mailed to the Director, or any active member of the Committee.
- E. Upon receipt of such request for hearing, an informal hearing date shall vest within ten (10) to sixty (60) days of the request, at a time and location at the discretion of the Committee. If the Committee decides to uphold the suspension or removal after the hearing, it shall prepare findings in writing, and notify the applicant of its decision, with findings of the Committee's decision and the terms and/or conditions of suspension or removal.
- F. After notice of the decision given by the committee, any person suspended or removed may further appeal the decision to the Board of Directors of the Disability Rights Legal Center. Such appeal must be in writing and mailed certified, return receipt requested, within sixty (60) days of the decision of the Committee. Upon receipt of such notice, the Board shall set a hearing date which must be before a majority of the Board itself, or the Board may, direct active members of the Bar to review the summary, recording and/or transcript of the Committee's hearing, findings and decision. Said hearing on appeal shall be set within sixty (60) days from the date of notice of appeal by the President of the Board of Directors or, in his or her absence, the Vice-President. Notice of the hearing shall be given in writing to the Director and to the appellant.

Section 4. LRS Income

- A. The income accruing to the LRS by virtue of a referral shall be deposited in the LRS commercial bank account and shall be used for the following purposes only:
 - 1. Payment of actual expenses of operating, conducting, promoting, and developing the service, including expenditures for capital purposes of the service determined on a reasonable accounting basis, with provisions for reasonable reserves, and,
 - 2. Support of activities or programs for the furnishing of legal services or related services to persons and organizations financially unable to pay for all or part of such services, provided that the operation of such programs and participation of lawyers therein is in conformity with the Rules of Professional Conduct; or designed to educate members of the public with respect to the law, the judicial system, the legal profession, or the need and manner of obtaining legal services and related services; or designed to advance the science of jurisprudence, improve

the administration of justice, or aid in relations between the bar and the public; or designed to support other activities in the public interest.

ARTICLE V. PUBLICITY

- A. The LRS shall develop and maintain an active publicity program through communications media designed to inform the general public in the area served of the existence, purpose, and advantages of the LRS. The LRS shall also make specific arrangements for receiving referrals from legal aid programs and other appropriate private agencies and institutions in the areas served.
- B. The form and content of all publicity shall be dignified and shall not be misleading. In particular, the LRS may publicize that it will make referrals to attorneys experienced in particular substantive legal areas, but shall not use such terms as “specialist “ or “special qualifications” that may be confused with specialty certification conferred by the California Board of Legal Specialization. All advertising shall identify the Disability Rights Legal Center as the sponsor of the LRS.
- C. No publicity about the LRS shall identify the attorneys participating in it, except that this shall not prohibit a participating attorney from acting as a spokesperson for the LRS if authorized by the Committee.

ARTICLE VI. ADOPTION AND AMENDMENT

- A. These articles are adopted by a majority vote of the Board of Directors of the Disability Rights Legal Center.
- B. These articles may be further amended or repealed by a majority vote of Board of Directors of the Disability Rights Legal Center, in accordance with the Bylaws of the Disability Rights Legal Center.

Panel Qualification Requirements

Title I. Labor and Employment

Employment Discrimination/Wrongful termination

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) employment discrimination cases.

Accommodation in the Workplace

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) cases involving the issue of accommodation in the workplace.

Civil Service

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) administrative government employment hearings.

Employment Contracts

Within the past five (5) years, applicant must have personally performed all legal work on behalf of an employee in connection with at least two (2) employment contracts.

ERISA and Public Sector Benefits (Pension, Health, Disability)

Within the past five years, applicant must have completed two (2) ERISA matters, including one (1) administrative appeal of a claim denial. Applicant must have served as principal attorney in at least one (1) case brought in either State or Federal court, which was resolved by summary judgment or trial.

Union Issues

Within the past five (5) years, applicant must have personally performed all legal work and prepared, or supervised the preparation of, all papers in connection with at least two (2) administrative, arbitration, or judicial hearings, at least one (1) of which involved charges with the NLRB or the ALRB and at least one of which required the handling of an NLRB or ALRB hearing or the appeal of an NLRB or ALRB dismissal. In addition, applicant must have served as lead counsel and personally performed or supervised all legal work and prepared, or supervised the preparation of, all papers in connection with at least one (1) case which involved compliance with the administrative and jurisdictional prerequisites to suit, and one (1) case which went through trial.

Workers Compensation

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) worker compensation cases. In addition, applicant must be knowledgeable as to the related areas of benefits and rights to which an injured worker may be entitled. Any attorney who is certified by the California Board of Legal Specialization as a specialist shall be qualified for membership.

Failure to Hire

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) cases involving the issue of failure to hire.

Title I. Labor and Employment

(continued)

Retaliation/Physical Access

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) cases involving the issues of retaliation or physical access.

Any applicant who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification.

Title III. Access to Public Accommodations and Commercial Facilities

Barrier Removal/New Construction/Alterations

Policy Modification

Effective Communication

Exclusion/Segregation/Unequal benefits

Retaliation

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) cases which involved the above-mentioned issues. In lieu of this qualification requirement, applicant must complete training by the Disability Rights Legal Center.

Any applicant who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification.

Administrative Law

State Disability

Unemployment Insurance

Veteran's benefits

Social Security

Overpayments

SSDI application/termination

SSI

MediCare/MediCal

Within the past five (5) years, applicant must have personally performed all legal work and prepared all papers in connection with at least two (2) administrative hearings before a hearing panel, city council or board, and at least one (1) CCP §1094.5 writ.

Any applicant who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification.

Education Law

Special Education

IDEA

Individual Education Plan (IEP)

Section 504 Plan

Mediation

Due Process Hearing

State and Federal Complaints

Children's Rights

Delinquency

Suspension and Expulsion Hearing

Physical/Program Access

College and University Accommodations

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) cases which involved the above-mentioned issues. In lieu of this qualification requirement, applicant must complete training by the Disability Rights Legal Center.

Any applicant who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification.

Estate Planning

Advance Directives for Healthcare
Charitable and Advanced Giving
Conservatorship
Estate Planning
Estate Tax Law
Family Limited Partnerships
Financial Planning Assistance
Incapacity Planning
Irrevocable Trusts
Powers of Attorney for Financial Affairs
Probate Assistance
Probate Litigation
Revocable Living Trusts
Special Needs Trust
Trust Administration
Wills

Within the past five (5) years, applicant must have personally performed all legal work and prepared or supervised the preparation of all papers in connection with at least two (2) cases which involved the above-mentioned issues.

Any applicant who is certified by the California Board of Legal Specialization as a specialist in a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification.