

IN THE SUPREME COURT
OF THE
STATE OF TEXAS

MISC. DOCKET NO. 93- 0199

ORDER OF APPROVAL
OF THE
REGULATIONS OF THE STATE BAR OF TEXAS FOR CERTIFICATION OF
LAWYER REFERRAL SERVICES PURSUANT TO THE TEXAS LAWYER
REFERRAL SERVICE QUALITY ASSURANCE ACT

The petition of the State Bar of Texas requesting an order of approval for the proposed regulations for certification of lawyer referral services pursuant to the Texas Lawyer Referral Service Quality Assurance Act, and as shown in Exhibit I attached hereto, has been considered by the Court.


The Court finds that the proposed regulations as set forth in Exhibit I attached hereto, fulfill the obligations of the State Bar to adopt a set of reasonable rules to administer the Texas Lawyer Referral Service Quality Assurance Act.

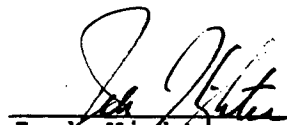
It is therefore ORDERED by the Court:

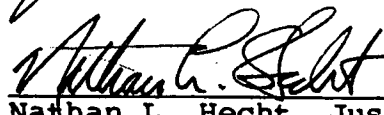
1. The regulations adopted by the State Bar for certification of lawyer referral services pursuant to the Texas Lawyer Referral Service Quality Assurance Act, which are set forth in Exhibit I attached hereto, are hereby approved.
2. These regulations are effective immediately and are to be disseminated to all interested entities upon the execution of this order.

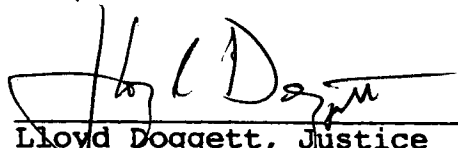
By the Court, in chambers, en banc, this 22nd day of October, 1993.

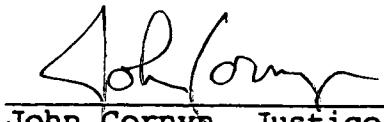

Thomas R. Phillips, Chief Justice

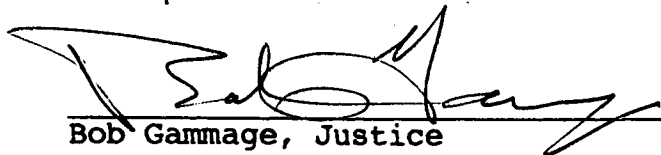

Raul A. Gonzalez, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

Misc. Docket No. 93-0199

**REGULATIONS OF THE STATE BAR OF TEXAS FOR CERTIFICATION OF LAWYER
REFERRAL SERVICES PURSUANT TO THE TEXAS LAWYER REFERRAL SERVICE
QUALITY ASSURANCE ACT**

I. Statutory Requirements.

A lawyer referral service that seeks to become certified pursuant to the terms of the *Texas Lawyer Referral Service Quality Assurance Act* (Article 320d, Revised Statutes, hereinafter referred to as 'the Act') shall ensure that it meets all the requirements for certification specified in the Act. A signed statement of certifications and assurances on a form prescribed by the State Bar shall be submitted by each lawyer referral service at the time that an application for certification is filed.

II. Applications for Certification.

- A. Use of Prescribed Form. All applications for certification of a lawyer referral service must be submitted to the State Bar of Texas (hereinafter referred to as 'the State Bar') on a prescribed application form that is adopted by the State Bar. Facsimile copies will not be accepted. This form may be modified or amended from time to time by the State Bar as necessary.
- B. Initial Application Fee. All applications for initial certification as a lawyer referral service must be accompanied by a fee of \$150. This fee must be paid when the application for initial certification is submitted and it is non-refundable regardless of whether the application is approved or denied.
- C. Annual Fee for Renewal of Certification. All applications for annual renewal of a certification as a lawyer referral service must be accompanied by a fee of \$75. This fee must be paid when the application for annual renewal of certification is submitted and it is non-refundable regardless of whether the application is approved or denied.
- D. Time for Filing Applications.
1. Initial Applications. Lawyer referral services that are operating on or before December 1, 1993 must file an application for initial certification on or before December 31, 1993. If such an application is timely filed, the lawyer referral service may continue to operate pending final disposition of the

application. Lawyer referral services that plan to begin operating at any time after December 1, 1993 must file an application for initial certification prior to commencing operations and may not begin operating until a numbered certificate is received.

2. Renewal Applications. Beginning with calendar year 1994, all lawyer referral services that have received a numbered certificate must file an application for renewal of certification on or before December 1 of each year. However, any lawyer referral service that files an initial application during the last six (6) months of any calendar year and becomes certified shall not be required to file an application for renewal of certification until on or before December 1 of the succeeding calendar year.

- E. Late Filing Fee. If an application for renewal of certification is not postmarked or received in the offices of the State Bar by the deadline of December 1 of any year, an additional late filing fee of \$50 shall be required to be paid. Payment of this fee must be received before the application can be processed.

III. **Procedures for Review of Applications.**

- A. Initial Review. Upon receipt of an application (initial or renewal), qualified staff of the State Bar shall examine the application to determine whether it is complete and whether the lawyer referral service for which it is submitted qualifies for certification under the terms of the Act.
 1. If the application is incomplete, the applicant shall be notified in writing of the deficiency, and shall have sixty (60) days from the date of the notice to correct the deficiency and resubmit the application. If the application is not resubmitted within the 60-day period, then the application shall be considered to be withdrawn and the application fee shall be forfeited.
 2. If the application is complete and the staff member determines that the lawyer referral services qualifies for certification under the Act, a certificate shall be issued.
- B. Review by State Bar Board of Directors. After initial review of an application, if the State Bar staff determines that the application should be denied or cannot make a determination of whether a lawyer referral service applicant is qualified to be certified under the Act, the application shall be forwarded to the Appeals Committee of the State Bar Board of Directors for review. The Appeals

Committee will review the application and make a recommendation to the State Bar Board of Directors as to whether the application should be approved or denied. The State Bar Board of Directors shall then vote to either approve or deny the application. A simple majority vote of a quorum present shall be required to make a determination. The decision of the Board of Directors shall be final.

IV. Certification Periods.

- A. Upon Initial Application. If an application for initial certification is approved, the lawyer referral service for which the application was filed will be certified effective from the date of certification and lasting until the end of the same calendar year. However, if an application for initial certification is received during the last six months of any calendar year and it is approved, the certification period shall last until the last day of the calendar year immediately after the year in which the application was filed.
- B. Upon Renewal Application. If an application for renewal of certification is approved, the certification period shall extend from the first day of the next ensuing calendar year until the end of that same calendar year.
 - 1. Automatic Extension Pending Review. If an application for renewal of certification is timely filed as required above, and it remains under review at the end of the calendar year that would otherwise mark the last day of the certification period, the period of certification shall be automatically extended until a final disposition is made on the renewal application. If the application is ultimately approved, the new certification shall begin on the date of approval and extend until the last day of that same calendar year. If the application is ultimately denied, the certification shall expire on the date the application is denied.

V. Lawyer Registration and Membership Fees.

- A. A certified lawyer referral service may charge reasonable registration and membership fees to lawyers who wish to be listed with the service. However, these fees cannot total more than \$500 per lawyer for any calendar year.

VI. Access to and Confidentiality of Records.

- A. Upon reasonable notice, all records and files of a certified lawyer referral service shall be open and subject to inspection and copying by the State Bar. However, this provision does not require an attorney to disclose confidential information as defined in Rule 1.05, Texas Rules of Professional Conduct.

- B. To the extent permitted by law, the filing of an application shall remain confidential, and the contents of the application form, and all documents, records, communications, other papers, and statements of references related to an application shall be the property of the State Bar and shall be held in confidence and not released except as required by law unless disclosure is ordered by a court of competent jurisdiction or by consent of the applicant.

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PETITION FOR AN ORDER OF APPROVAL
OF THE
REGULATIONS OF THE STATE BAR OF TEXAS FOR CERTIFICATION OF
LAWYER REFERRAL SERVICES PURSUANT TO THE TEXAS LAWYER
REFERRAL SERVICE QUALITY ASSURANCE ACT

TO THE HONORABLE SUPREME COURT OF TEXAS:

The State Bar of Texas petitions the Court for an order of approval for the proposed regulations for certification of lawyer referral services pursuant to the Texas Lawyer Referral Service Quality Assurance Act, and as shown in Exhibit I attached hereto. TEX. REV. CIV. STAT. ANN. ARTICLE 320d.

1.

The Texas Lawyer Referral Service Quality Assurance Act provides that the State Bar shall adopt reasonable rules to administer this act subject to the Court's approval. TEX. REV. CIV. STAT. ANN. ARTICLE 320d, SEC. 13(a).

2.

The proposed regulations set forth in Exhibit I were presented to the State Bar Board of Directors at its regular meeting held on September 11, 1993. The Board of Directors unanimously approved the proposed regulations.

3.

Effective December 1, 1993, lawyer referral services in Texas will be required to obtain certification pursuant to


the Texas Lawyer Referral Service Quality Assurance Act. HB 1926, 73RD REGULAR SESSION, SEC. 2. An order approving the proposed regulations is necessary so that the regulations and forms can be disseminated prior to said effective date.

PRAYER

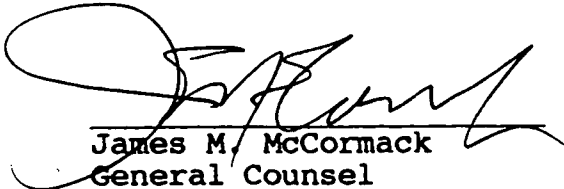
The State Bar of Texas moves the Court to approve the regulations for certification of lawyer referral services pursuant to the Texas Lawyer Referral Service Quality Assurance Act, as set forth in Exhibit I.

Respectfully submitted,

THE STATE BAR OF TEXAS
P.O. Box 12487
Austin, Texas 78711

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ATTEST:


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