



PROMOTING EXCELLENCE—SEEKING JUSTICE

**RULES GOVERNING  
THE LAWYER REFERRAL SERVICE  
OF THE  
ALAMEDA COUNTY BAR ASSOCIATION**

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## **RULE 1. PURPOSE**

The purposes of the Alameda County Bar Association (ACBA or Association) Lawyer Referral Service (LRS) shall conform to Rule 5 of the State Bar Minimum Standards for a Lawyer Referral Service in California which states the purposes of a lawyer referral service as:

- (a) to provide a way in which any person may be referred to a qualified, insured lawyer who is able to render and is interested in rendering needed legal services;
- (b) to provide information about lawyers and the availability of legal services which will aid the public in their selection of a lawyer;
- (c) to inform the public when and where to seek legal and dispute resolution services;
- (d) to provide general, legal and dispute resolution information needed by the public;
- (e) to improve the quality of legal services available to the public; and
- (f) to provide access to affordable legal services to the public.

## **RULE 2. GOVERNANCE**

- (a) The LRS shall operate pursuant to Business & Professions Code §6155, the “Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services Including Minimum Standards for a Lawyer Referral Service in California,” and the “Rules Governing the Lawyer Referral Service of the Alameda County Bar Association.”
- (b) The LRS shall be supervised pursuant to Rule 3.822 of the State Bar Minimum Standards which states that the LRS shall be governed by the “LRS Governing Committee” consisting of a minimum of three members. A majority of the governing committee must be active licensees of the State Bar. At least 50% of the committee shall not receive referrals from the LRS.
- (c) Committee members shall be appointed by the President-elect of the Association from its membership no later than December 31 for committee service in the following year. The Chair and Vice-Chair, who may serve no more than two consecutive terms, shall also be appointed by the President-elect.
- (d) A minimum of seven members shall serve on the LRS Governing Committee, and terms shall be two years and staggered for continuity. No member may serve more than two terms (or four years) on the Committee, except a member may serve a one-year, fifth year term as either Chair or Vice-Chair. The Committee Chair, Vice-Chair and other

Committee members shall be nominated for the following year by the ACBA President-Elect no later than the preceding December.

- (e) A quorum consisting of the majority of the Governing Committee shall be present to conduct business and three consecutive unexcused absences will be considered a resignation from the Committee, unless upon that member's request, the Committee votes not to accept the imputed resignation.
- (f) Pursuant to Rule 3.822 of the State Bar Minimum Standards, the Committee shall meet at least quarterly and shall review and approve the annual report submitted by the LRS pursuant to Rule 3.801 of the State Bar Minimum Standards.
- (g) If any Committee member shall resign or for any reason cease to be able or eligible to serve or continue to serve as a Committee member, Committee Chair, or Vice-Chair, then a replacement shall be appointed by the ACBA President for the remainder of the term after considering the recommendation from the remaining Committee members.
- (h) The ACBA Board of Directors is the final authority in all matters relating to the LRS.

### **RULE 3. ADMINISTRATION**

- (a) The Chief Executive Officer of the Association shall employ a program administrator (Administrator or PA) for LRS, whose duty shall be to administer the LRS under the supervision of the Director of Access Programs and the counsel of the LRS Governing Committee, pursuant to these rules.
- (b) Pursuant State Bar Rule 3.822, the Committee shall establish criteria for subject matter and general panel membership and use the criteria to evaluate panel members at least once every two years. The Committee shall also establish and assess compliance with the referral procedures required by the State Bar and shall review and approve the annual report required by the State Bar. In addition, the Committee shall annually survey a random sample of at least 10 percent of the clients of the service to determine client satisfaction with services and fees and on the basis of the annual survey, make any operational changes it deems necessary. Where the Committee is called upon to exercise discretion, it shall do so with the primary goal of ensuring that the LRS is able to meet the public need and maintain the public trust as much as possible.
- (c) The Administrator shall keep LRS records, arrange for publicity, develop and maintain whatever statistics shall be required, respond to any program requests by the Board, Chief Executive Officer or the Committee, and undertake any other duties consistent with the spirit and purposes of LRS.

#### **RULE 4. ESTABLISHMENT OF PANELS**

- (a) Pursuant to Rule 3.823. of the State Bar Minimum Standards, the LRS shall establish one or more specific subject matter panels, and is encouraged to establish moderate and no fee panels, foreign language panels, alternative dispute resolution panels and other such panels that respond to the referral needs of the consumer public, eligibility for which shall be determined on the basis of experience and other substantial objectively determinable criteria.
- (b) There shall be the following Experience Panels: Administrative Law; Appeals; Bankruptcy and Insolvency; Corporations and Business Organizations; Criminal Law; Family Law; Labor Relations; Estate Planning, Probate, Guardianship and Conservatorship and Probate; Immigration and Naturalization; Personal Injury; Intellectual Property; Real Estate; Taxation; Workers Compensation.
- (c) Any attorney who is certified by the State Board of Legal Specialization as a specialist on a particular field shall be qualified for membership on the subject matter panel for such field by virtue of his or her certification. An attorney who has passed the certification examination shall, at the discretion of the Committee and/or PA, be qualified for membership even if the other requirements of certification have not yet been met.
- (d) There shall also be a General Panel, which may be divided into as many sub panels as the LRS Governing Committee determines to be appropriate. There shall be no experience qualifications for the General Panel.
- (e) A majority vote of the Committee shall be necessary to adopt new panels.
- (f) The requirements for each Subject Matter Panel shall be established by the Committee and reviewed periodically. These requirements shall be established for the purpose of maximizing the number of qualified applicants while maintaining standards of competence.  
  
The Committee will be responsible for reviewing the qualifications of a member to remain on or to be removed from the subject matter panel when needed.
- (g) If the applicant is unable to meet the experience qualifications of a selected panel, the Committee will review a statement from the applicant signed under penalty of perjury setting forth in as much detail as possible that experience which the applicant feels is equivalent. There is no standard equivalent experience formula. An applicant may request a hearing before the Committee if the equivalent experience statement is determined to be inadequate.
- (h) The decision of the Committee is final.

## **RULE 5. MODEST MEANS PANELS**

Pursuant to State Bar Minimum Standards 12.5, these panels are intended to serve the needs of clients with limited financial resources. Experience requirements are the same as for regular fee subject matter panels (See Rule 4 above). Attorneys participating on the modest means panels agree to charge 50% of their normal hourly rates and only 5% of any fees collected are forwarded to the LRS.

Modest means panels will be maintained for the following areas of law and a minimum of four attorney panel members must be required to maintain each panel (pursuant to State Bar Minimum Standard Rule 3.823):

1. **Family Law**
2. **Non-profit Corporations**
3. **Criminal Law**
4. **Guardianships**

## **RULE 6. ELIGIBILITY, APPLICATION, AND REGISTRATION**

An attorney may apply to the LRS by signing and filing with LRS an application on the form supplied by LRS and remitting the panel membership fee. An applicant must acquire an understanding of the systems and procedures of LRS by means of a personal interview with the LRS Program Administrator prior to participation as a LRS panel member.

Each panel member must:

- (a) be an active member of the State Bar of California in good standing. For the purposes of these rules, “good standing” shall mean no failure by the panel member to pay State Bar dues within the preceding twelve months, and no record of any discipline and no pending disciplinary action by the State Bar including but not limited to probation, suspension, and disbarment. Notwithstanding any record of discipline, the Governing Committee shall have the discretion to determine a panel member with a record of discipline to be in good standing, with any additional conditions the Governing Committee deems appropriate, based on the panel member’s submission of documentary and/or testimonial evidence concerning the type of discipline, the nature of the offense, professional endorsements, and the panel member’s professional rehabilitation. A panel member must notify the LRS in writing within ten days of any discipline imposed by the State Bar. (The Board adopted this language 6/9/20)
- (b) must be available virtually or in person to meet with clients confidentially in Alameda County. Panel members are encouraged to maintain an office or to have a designated, confidential, in person meeting space within Alameda County to ensure accessibility to

residents of Alameda County. However, virtual representation is also acceptable as way to increase attorney accessibility to the public.

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ii.

- (c) maintain errors and omissions insurance in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year, and furnish the LRS with a copy of the declarations page of said policy upon request, and notify the LRS of cancellation or termination within fifteen (15) days of the cancellation or termination;
- (d) submit to binding arbitration by the State Bar of California Office of Mandatory Fee Arbitration for any fee dispute between the member and the client referred by LRS, if the client so elects;
- (e) maintain an operating office telephone number where the
  - a. panel member can be reached during normal business hours and is available for clients to call, and a working email address.
- (f) agree that the fees charged to clients referred by LRS shall be no more than those charged to clients not referred by LRS;
- (g) disclose fee sharing with the LRS in all attorney/client fee agreements.
- (h) agree in writing to abide by the LRS Rules;
- (i) agree to all provisions in the LRS attorney application form and membership agreement.

Any applicant may be refused membership in the LRS upon failure to meet any one or more of the requirements above. The LRS has the absolute discretion, right and power to grant or deny any applicant's application for membership. Pursuant to State Bar Minimum Standards Rules, rejected applicants will be advised in writing of the grounds for their rejection and offered a meaningful opportunity to be heard.

## **RULE 7. FEES AND REPORTS**

- (a) LRS panel membership fees are set by the ACBA Board of Directors upon recommendation by the LRS Governing Committee. Each attorney panel member shall remit the annual membership fee annually. The membership year is January 1 through December 31. In order to avoid inactive status and a lapse in panel membership, including removal from rotation, the panel member must pay the annual membership fee by January 31.
- (b) [T]he LRS attorney will provide one free consultation as a result of the referral, and the consultation will be no longer than thirty minutes.

- (c) An attorney on the Regular Panels will pay to LRS a forwarding fee equal to 15% of any fees received by him/her on any one matter referred by LRS. An attorney on a Modest Means panel will pay to LRS a reduced forwarding fee equal to 5% of any fees received by him/her on any one matter referred by LRS.<sup>1</sup> All forwarding fees shall be remitted within 30 days of the date of Progress Report. Failure to return the Progress Report within the time specified may result in administrative suspension. Payment of a reinstatement fee of \$200 for each delinquent report is required before the attorney be placed back on active rotation.

Reporting of percentage fees for referrals which generate a contingency based fee shall be accompanied by an itemized accounting of the case settlement and all attorney fees collected.

Upon request by LRS staff, panel members shall make available for examination or audit all files, documentation, accounting, or any other records pertaining to any case referred by LRS and evidencing the retention or non-retention of the attorney. Documentation may be redacted when necessary to protect confidentiality issues.

The panel member will hold in trust that portion due LRS and remit all fees within 30 days of receipt of the case status report. Panel members shall pay interest at the rate of 10% per annum on all amounts past due and owing the LRS. The 10% interest shall begin accruing after the 30 day grace period has expired. In the event of any dispute regarding the amount of forwarding fees due the LRS or related to the non-payment thereof, the prevailing party shall be entitled to recover reasonable costs and reasonable attorney's fees. In the event an attorney who is not a member of LRS requests and is given the name of a member of LRS so that he or she can make a referral to the member as being qualified in a panel, and the referring non-member attorney participates in the fee, the attorney member shall pay LRS the stated percentage, as applicable, but the amount of the said fee paid to the referring non-member shall be deducted in arriving at the sum owing to LRS.

- (d) Compensation for service rendered by attorneys on the Regular Panels beyond the initial half-hour consultation shall be fixed by agreement between the attorney and the client. Compensation for services rendered by attorneys on the Modest Means panel, shall be fixed according to the special rules governing those panels.

## **RULE 8. REFERRAL PROCEDURES**

- (a) Any person may contact LRS and request a referral to an attorney. LRS shall decide if the person should be referred to an attorney and, if so, to which panel.
- (b) If the matter is referable, the intake coordinator will refer the client to up to two attorneys.

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<sup>1</sup> Forwarding fees are waived on court-appointed representation of minors cases during 2010.



- (c) LRS will attempt to refer all matters to attorneys on an equitable rotation basis, subject to geographic placement at the convenience of the client and linguistic ability
- (d) The attorney must return the client's call within 48 hours.
- (e) Each Regular Panel shall rotate independently. Referrals are made equitably based on client demand and attorney availability.
- (f) An attorney to whom a client is referred by LRS shall not refer the client to another attorney or associate another attorney, unless that other attorney is a partner or associate within the attorney's law firm. If the attorney to whom the client is initially referred or a partner or associate within the attorney's firm cannot or does not wish to handle the matter referred, the attorney shall refer the client back to LRS to be given another referral, or, the attorney may associate another attorney on the same panel upon a request made to LRS with its approval. If the attorney refers the client to or associates another attorney in violation of this section, the attorney shall remain liable to LRS for 15% of the total attorney's fee and the client consultation fee, if any.
- (g) If a panel member refuses, for any reason other than conflict of interest or lack of qualification, to make an appointment for an initial interview the refusal shall be treated as a completed referral for purposes of determining the order of future referrals. Panel members shall notify LRS staff of any periods of unavailability. The LRS prohibits panel members from any attempts to "cherry pick" cases, i.e. accepting only cases that appear particularly lucrative to the panel member.

## **RULE 9. SUSPENSION, TERMINATION AND WITHDRAWAL**

The LRS Governing Committee is empowered to act with broad discretion when responding to attorney misconduct or lapses in professionalism.

### **(a) Administrative Suspension & Reprimand**

An attorney may be administratively suspended from LRS panel rotation or reprimanded for violating any of the following rules pending compliance with the same:

- (1) Failure to provide proof of malpractice coverage in the specified limits;
- (2) Failure to forward any requested case disposition or status reports within specified deadlines;
- (3) Failure to pay a required fee or forward an outstanding fee within specified deadlines;
- (4) Filing of an accusatory criminal pleading against the panel member;
- (5) Failure to adhere to professional and/or ethical standards; and,

- (6) Failure to maintain good standing as defined in Rule 6 above.

Members suspended for any of the above reasons will be reactivated upon demonstrating full compliance with the LRS Rules and/or Governing Committee conditions, and payment of a reinstatement fee of \$200 for administrative suspensions based on delinquent status reports and delinquent payment of fees.

(b) Termination

A panel member may be removed from the LRS for any of the following causes:

- (1) Failure to report the full attorney's fee earned in an LRS referred matter;
- (2) Persistent or repeated failure to promptly pay a required fee or remit any outstanding fee;
- (3) Persistent or repeated failure to promptly forward any requested case disposition or status reports within the specified deadlines;
- (4) Signing a certificate or making a statement under penalty of perjury which is found to be untrue in any material aspect;
- (5) Failure to comply with and/or abide by the Rules Governing LRS;
- (6) Failure to handle cases referred to LRS members with professional competence and diligence, including failure to promptly communicate with clients referred to them by LRS with whom an attorney-client relationship has been established;
- (7) Failure to adhere to professional and/or ethical standards;
- (8) Failure to provide initial consultation of up to thirty minutes;
- (9) Repeated failure to return telephone calls or answer communications from clients or referral staff;
- (10) Repeated refusal to accept referral of cases from LRS;
- (11) Failure to respond to or cooperate in the resolution of a client's complaint with LRS about that attorney;
- (12) Imposition of disciplinary action against the panel member by the State Bar;
- (13) The panel member's criminal conviction in court or decision by the State Bar imposing disciplinary action against the panel member;

In determining whether a past crime or disciplinary decision, on a pending

criminal charge or disciplinary proceeding warrants suspension, removal or other discipline by the LRS, the LRS Governing Committee should consider: 1) how and to what extent the matter appears to affect the quality of the attorney's representation of his or her client; 2) how and to what extent the attorney will be able fully to serve clients during the pendency of the action; 3) whether the nature and quality of the underlying offense, if known by the client, would be likely to have a substantial effect on the client's willingness to be represented by the attorney; and 4) whether the continued membership of the attorney is likely to bring discredit or disfavor on, or otherwise adversely affect, the LRS.

- (14) For such other good cause as shall be in the interest of the ACBA and the Lawyer Referral Service as determined by the Committee

(c) Other Corrective Action

The Committee may order other corrective action to rectify any of the above articulated violations/causes.

(d) Withdrawal.

An attorney may withdraw at any time upon written notice to the LRS Administrator. An attorney who withdraws from LRS shall remain obligated as follows:

1. The attorney shall complete the cases in process or refer the client(s) back to LRS for a new referral;
2. The attorney shall remain obligated to LRS for any fee(s) unpaid or to become due according to paragraph V of these Rules, and no portion of any fee already paid by the attorney shall be returned, nor will any unpaid fee due to LRS be discharged;
3. If the attorney withdraws during suspension proceedings, the withdrawal will not affect or terminate those proceedings or in any way diminish the consequences;
4. An attorney who withdraws, may at any time thereafter apply according to these Rules and become an active member of LRS.

The following revised rules were adopted by the ACBA Board of Directors on February 3, 2009 and are effective as of that date.

**Rules for Suspension, Removal, or other Disciplinary Action from Alameda County Bar Association Attorney Panels**

*Approved by the ACBA Board of Directors on February 3, 2009*

*Revised by the ACBA Board of Directors on November 3, 2009*

*Revised by the ACBA Board of Directors on January 12, 2010*

*Revised by the ACBA Board of Directors on November 4, 2014*

**1. Definition of Terms**

a. Notice – Any Notice under these rules shall be given in writing and shall be deemed to have been given when deposited with the United States Postal Service, first class postage prepaid and addressed to the panel member at the address of record with the ACBA.

b. Program Administrator – The LRS Program Administrator hereinafter referred to as “PA.”

c. QAS (Quality Assurance Subcommittee) – A group of three (3) individuals comprised of the chair of the LRS Governing Committee, a member of the ACBA Board of Directors who is not currently a member of the LRS Governing Committee, and a current member of the Committee which provides the first level of review in determining the suspension, removal or other disciplinary actions relating to panel members. The President shall appoint, as needed, the members to the QAS.

d. Reinstatement – Following removal, the panel member’s return to the LRS.

e. Removal – Ending a panel member’s participation in LRS.

f. Review – Examination of documents and materials relating to actions relevant to a panel member’s participation in and possible removal or suspension from the LRS.

g. Suspension – temporary (i.e. for a specified period of time) or interim (i.e. pending further action) removal from a panel, subject matter panel, panel rotation, list, schedule or other source of referrals from the LRS.

**2. Initial Investigation**

Upon receipt of any written complaint of a rule violation, or indication of poor performance by a panel member, an inquiry will be made by PA.

After the initial inquiry is completed, staff will determine whether the matter warrants any further action. If the matter is determined to be of a more serious nature, further investigative actions will be taken.

### **3. Notice of Suspension**

If deemed necessary by the PA, a written Notice of Suspension will be sent to the offending panel member and the QAS. The Notice of Suspension will summarize the factual basis for the suspension, cite any applicable Rule(s) violation(s), the effective date of suspension and state the possible disciplinary action up to and including removal from the panel(s).

### **4. Quality Assurance Subcommittee Review**

The composition of the QAS will consist of three individuals, namely, the current Chair of the LRS Governing Committee, a member of the ACBA Board of Directors who is not currently a member of the LRS Governing Committee, and current member of the LRS Governing Committee. If a member of the QAS is unavailable, or if a conflict of interest should arise with a member of the QAS, then the Board Liaison of the LRS Governing Committee, or other Board member as determined by the President, depending upon availability, will serve on the QAS. No more than one member of the QAS shall be an active member of the LRS panel.

Whenever an attorney panel member has been notified of a suspension, the following rules and procedures shall apply:

#### **A. Request for a Hearing or Written Rebuttal**

Any panel member who desires to have a hearing after Notice of Suspension shall, within fifteen (15) calendar days of the date of service of the Notice of Suspension make a written request for a hearing to the PA for LRS together with a written rebuttal to the alleged violations and any supporting materials and arguments. The panel member's request for hearing shall be deemed to have been given when deposited with the United States Postal Service, first class postage prepaid and addressed to the ACBA at 1000 Broadway, Suite 480, Oakland, CA 94607.

If the panel member makes a request for hearing as provided in this rule, the hearing shall be conducted by the QAS at a time to be specially determined, but not later than thirty (30) calendar days from receipt of the request for hearing. Extensions of time may be granted upon the express written consent of the QAS and the panel member. The panel member shall be given Notice of the date and time of the hearing no less than fifteen (15) calendar days prior to the hearing and shall be advised of the amount of time allotted for the proceeding.

If no request for hearing is made as provided in this rule, no rebuttal is submitted by the panel member, or both, the QAS will review the matter and will issue a written decision within the next thirty (30) calendar days, regarding the status of the panel member. The written decision will include factual findings, any applicable Rule(s) violations, and the disciplinary action imposed, if any. The QAS decision shall be final and there shall be no further right of review or appeal by the panel member.

#### **B. Rules Applicable at the Hearing**

The QAS shall elect one of its members present to preside at the hearing.

Staff may present evidence and/or witnesses in support of the allegations in the Notice of Suspension and may question witnesses called by the panel member.

The panel member or his/her representative may present evidence and/or witnesses in defense or mitigation and may question witnesses called by staff.

The proceedings shall be audio and/or video recorded *and/or reported by a certified shorthand reporter* by the ACBA. If a panel member requests a copy of the audio and/or video recording and/or the services of a certified court reporter, the panel member shall bear all costs thereof, including a transcript copy for use by the QAS.

The technical rules of evidence shall not apply.

The presiding committee member will determine the manner in which the hearing shall be conducted.

The decision of the QAS (“QAS Decision”) shall be reached by a majority of those voting. The panel member will be given Notice of the QAS Decision within ten (10) calendar days of the hearing. If removed, the panel member’s eligibility to re-apply for panel membership, if any, will be set forth in the QAS Decision. The QAS Decision will also include factual findings that form the basis for the decision, any applicable Rule(s) violations, and the disciplinary action imposed, if any.

### **C. Grounds for Suspension, Removal, and Other Disciplinary Action**

A panel member may be removed or suspended from the panel, or otherwise disciplined to any lesser extent, upon a determination that:

- a. The member has violated *any* Rule of Professional Conduct of the State Bar of California; or
- b. The member has violated *any* Rule of LRS, or other specific ACBA attorney panel to which the member belongs; or
- c. The member has been convicted of a crime.

### **D. Continued Eligibility in other ACBA Programs**

Any panel member who is suspended for disciplinary reasons from any other attorney panel of the ACBA will likewise be suspended from participating in any other panel program for the duration of the suspension.

A panel member who has been removed for disciplinary reasons from any other attorney panel of the ACBA, shall be automatically removed from and ineligible to participate in, or be accepted to, any other ACBA attorney panel program.

Exceptions to this Rule may be granted by the QAS, upon request of the panel member, ACBA Board of Directors, ACBA staff, ACBA Committee, or any combination of the aforementioned.

## **5. Appeal of QAS Decision**

Following a hearing, if the panel member receives a Notice of Suspension, Removal, or Other Disciplinary Action from the QAS, he/she may appeal that decision in writing to the LRS Governing Committee within ten (10) calendar days of Notice of the QAS Decision. The appeal shall be submitted by mail to the LRS PA

The PA may appeal the QAS Decision to the LRS Governing Committee within ten (10) calendar days of Notice of the QAS Decision. Notice of the appeal will be mailed to the QAS committee member who presided over the hearing, and shall be deemed to have been given when deposited with the United States Postal Service, first class postage prepaid, at the address of record with ACBA of the presiding QAS committee member.

If the QAS Decision is appealed as provided herein, the appropriate Committee shall then conduct a hearing within the next three regularly scheduled Committee meetings. The panel member shall have another opportunity to be heard; however, the scope of the Committee's review will be limited to the information and testimony submitted at the QAS hearing and no additional information or testimony may be presented or received. The MA or PA will provide at least fifteen (15) calendar days' Notice in writing to the panel member of the date, time and location of the Committee meeting.

Any decision by the LRS Governing Committee shall be reached by a majority of those voting. The panel member will be provided Notice of the decision ("Committee Decision") within ten (10) calendar days of the meeting. The Committee Decision will also include factual findings that form the basis for the decision, any applicable Rule(s) violations and the disciplinary action imposed, if any.

If the panel member does not appeal the QAS Decision as provided in these Rules within ten (10) calendar days of the date of the Notice of QAS Decision, the suspension, removal, or other disciplinary action will be final.

## **6. Appeal of Committee Decision**

The Committee Decision may be appealed to the ACBA Board of Directors ("the Board") by the panel member, or PA within ten (10) calendar days of the date of the Notice of Committee Decision. The request for appeal shall be submitted to the ACBA Board President addressed to the ACBA at 1000 Broadway, Suite 480, Oakland, CA 94607, and shall be deemed to have been made when deposited with the United States Postal Service, first-class postage prepaid, so addressed. *It is the Appellant's responsibility to pay for and have the transcript and record of the QAS hearing prepared.*

The Board shall then review the matter within the next three (3) regularly scheduled Board meetings. The scope of that review will be limited to the information and testimony submitted at the QAS hearing and no additional information or testimony may be presented or received. The ACBA will provide at least fifteen (15) calendar days Notice to the panel member of the Board meeting.

Any decision by the Board (“Board Decision”) shall be reached by a majority of those voting. The panel member will be given Notice of the Board Decision within ten (10) calendar days of the issuance. The Board Decision will include factual findings that form the basis for the decision, any applicable Rule(s) violation(s) and the disciplinary action imposed, if any.

The Board Decision is final.

If no appeal from the Committee Decision is requested, within the ten (10) calendar day deadline, the Committee Decision will be final.

## **7. Role of the ACBA Board of Directors**

The ACBA Board of Directors (“Board”) may, at any time on its own motion, or at the request of the PA, in its sole discretion remove the proceedings to the Board at any stage and decide the matter, upon Notice to the parties as provided in these Rules. If there has not been a QAS hearing, the Board shall give Notice of and conduct the hearing in the manner set forth in Rule 4(b) above. If there has been a hearing, the Board shall review the record from that hearing, in accordance with the provisions of Rules 5 and 6 above. As noted in the ACBA By-laws, the Administrative Committee can act on behalf of the Board under these Rules.

*The Board Decision is final.*

## **RULE 10. AMENDMENTS**

A. The Administrator and the LRS Governing Committee have a continuing responsibility to seek ways and means of improving the fairness and efficiency of LRS and the quality of the legal services provided, and shall from time to time recommend such changes and additions to these rules as may be deemed appropriate to that end.

B. These rules are promulgated by the Alameda County Bar Association acting by and through its duly constituted Board. The Board may change or amend any rule or provision herein at any time without the necessity of giving prior notice.

## **RULE 11. EXEMPTIONS FOR BAY AREA LEGAL INCUBATOR PROGRAM**

- (a) Purpose The LRS Program receives numerous calls each year from clients with limited financial resources and has a shortage of attorneys on its Modest Means Panels. The Bay Area Legal Incubator Program (“Incubator Program”) is a two-year training program in which recently admitted attorneys to the State Bar of California are provided with extensive support, mentoring, and education on how to successfully operate a solo or small firm practice that serves the legal needs of Modest Means clients. The goals of the Incubator Program are (1) to provide sustainable, long-term employment for recently admitted attorneys of the Incubator Program’s participating law schools and (2) to increase access to justice for people of Modest Means.
- (b) Eligibility to Participate in the LRS An Incubator Program Participant must meet the Eligibility, Application, and Registration requirements under Rule 6 of these Rules except that for Subject Matter or Experience Panels, a participant need not demonstrate the required



experience to be a member of those panels. Upon completion of the Incubator Program, an Incubator Program Participant may apply to the LRS and must meet the eligibility requirements under Rule 6 and demonstrate the required experience for the Subject Matter Panels to which they are applying. If the participant cannot demonstrate such experience, the LRS Governing Committee may require a Participant to complete training, coursework, or a combination of each, in order to gain the necessary knowledge for those Subject Matter Panels.

- (c) Fees An Incubator Program Participant is exempt from remitting the annual LRS panel membership fee under Rule 7(a) and all forwarding fees for any matters referred by the LRS under Rule 7(c).
- (d) Reports An Incubator Program Participant must submit a Progress Report to the LRS Program during the same cycle as regular LRS panel attorneys under Rule 7(c), with the exception of forwarding fees as provided in Rule 11(c). The Progress Report is intended to track the status of each referred matter placed with an Incubator Program Participant. When a Participant completes the two-year program and has a pending matter that was referred by the LRS, the Participant must continue to submit Progress Reports to indicate the status of each referred matter.
- (e) Referral Procedures The Referral Procedures provided in Rule 8 shall apply to all Incubator Program Participants, except Rule 8(g) that refers specifically to forwarding fees.
- (f) Suspension, Termination and Withdrawal Rule 9 relating to Suspension, Termination, and Withdrawal of LRS panel attorneys shall apply to all Incubator Program Participants. The Rules for Suspension, Removal, or other Disciplinary Action from Alameda County Bar Association Attorney Panels shall also apply.