

Lawyer Referral

The Lawyer Referral and Information Service Newsletter



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Lawyer Referral: Good for Lawyers, and Good for Clients

By **Brandon Vogel**

When Donna Chin moved from New Jersey to Ithaca, New York, she wanted to change the focus of her law practice after receiving a master of laws degree.

So, she joined the New York State Bar Association. She also joined the Lawyer Referral and Information Service (LRIS) panel as a way to build her nonprofit practice. She was not disappointed.

"It helped bring me into the local courts," said Chin, who concentrates her practice in appeals, formation of nonprofits and compliance for businesses. "It has been a positive experience. It's a good way for solo and small firm lawyers to build a client base, diversify their practice and do good. For me, it allowed me to practice the law that I choose to do now."

Chin's experience reflects that of other solo and small-firm practitioners

who have used the LRIS to expand their practice and client roster.

Chin is a member of the Committee on Lawyer Referral Service, which oversees LRIS operations. "It does good programs for the public and the public that need representation," said Chin.

Public service

"Lawyer Referral services are the best way for the uninformed consumer to access an experienced attorney to address his or her legal matter," said Committee Chair Anna K. Christian of Albany (Boies, Schiller & Flexner LLP).

Lawyers who are State Bar members pay an annual fee of \$75 to be listed on the panel for referrals. Nonmembers pay \$125 to be listed. If a panel lawyer is retained by a referred client, the lawyers pay LRIS 10 percent of their fee for cases billed at \$500 or more.

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Meets ABA Standards
for Lawyer Referral
AMERICAN BAR ASSOCIATION

Q&A

In an effort to assist you and your staff with some common inquiries below are answers to frequently asked questions.

What is the LRIS membership fee?

LRIS panel members pay an annual fee of \$75 (\$125 for non-NYSBA members).

What is the referral fee if a client retains my services?

LRIS panel members agree to remit 10% of their entire fee if the fee is \$500 or more.

Do I need to carry malpractice insurance?

Yes, LRIS panel members are required to provide proof of malpractice insurance in the minimum amount of \$100,000.

How much should I be charging for the initial ½ hour consultation?

The consultation fee is \$35.

What if I can't help a client that was referred to me?

If you decline a referral for any reason, you should refer the client back to the LRIS. A LRIS client can also be seen by another attorney in your firm but the referral will be tracked as a referral to you.

Do I have to have an office in the County that I want to receive referrals from?

Yes, attorney members must have an office in one of our 44* service counties to be eligible to participate in our referral panel.

How do I sign up?

Download the LRIS application at www.nysba.org/joinlr or call 1.800.342.3661 or email lr@nysba.org to have an application mailed to you.

* Go to www.nysba.org/joinlr for a complete list of service counties.

Note from the Chair

Picture a middle class American kitchen back in the 1960's. On the center of the kitchen table sits a canary yellow ceramic bowl filled with a plain white opaque substance, an aproned housewife stands by with spatula in hand. This is what yogurt looked like in the 1960's, and back then, no one thought much about it, and if you ate yogurt, chances were that your mother or grandmother made it at home. Today, we would be hard pressed to discover a super market that did not dedicate space to an entire refrigerated wall of yogurts of every brand and variety, Greek yogurt wildly popular. What happened? This image came from a presentation that speaker G. Shweiri, of Santa Ana College of Global Business and Entrepreneurship used to illustrate a point about product, market, and innovation, at the ABA Lawyer Referral Service Workshops held in Long Beach this October. Marketers understood that people's perceptions of yogurt: being a little bit afraid of it, not knowing anything about it, required change, and so set about to transform people's perceptions. The basic message became yogurt is not only delicious, nutritious, and healthy to eat, but also beneficial, and therefore a worthwhile expenditure. Mr. Shweiri posed the question: Why can't Lawyer Referral Services become the next big thing, like yogurt? Imagine common perceptions such as: I never heard of a lawyer referral service; why do I need a lawyer; aren't lawyers expensive, transformed into: I cannot imagine not having my own lawyer to handle my will, my business incorporation, my landlord-tenant dispute, and the first place I go to for the best attorney for my issue is the NYSBA Lawyer Referral & Information Service. Innovative and transformative ideas, as



Left to right: Anna K. Christian, LRIS Committee Chair and Jane Nosbisch, ABA Standing Committee on LRIS

well as the nuts and bolts of managing lawyer referral services comprised the subject matter of the many stellar workshop sessions at this year's ABA Lawyer Referral Service Workshops in Long Beach. Just ask 'how to', then fill in the blank with 'tell a compelling story, get your message onto the web, network in the community, make the best use of social media, adapt to and recognize changes in the marketplace and the practice of law, manage your staff, or start a Modest Means Panel and the ABA Lawyer Referral Workshops provide the solutions that we utilize each day at our Lawyer Referral & Information Service to make it the best place for being matched with the best lawyer for your particular legal matter.

This past spring and summer, the Lawyer Referral Service Committee voted to endorse language to amend the CPLR Rule § 4503. Attorney to in-

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Website Traffic: How Much Is Enough?

By Ken Matejka, J.D., LL.M

For your website to be a lead generator, you need a lot of visitors and inquiries. The amount of traffic you need in order to get leads depends in large part on your website and you.

As a point of qualification, there will be instances where you will need less traffic to get clients because you are practicing in an obscure area of law or in rural community where consumers have fewer choices. Conversely, if you have a general practice in a large city, you may need more traffic that is described here. A final consideration is the quality of the traffic you are getting to your website. One hundred visitors from Google should result in more inquiries than 100 visitors from Facebook because people search for legal help in Google are likely further into the buying process.

If your website appears dated, is underdeveloped, is not formatted for mobile devices, or if the content reads like it was transcribed from a legal dictionary, it is possible that not very many website visitors will be drawn to make contact with your law firm. A flawed website like this will require a larger number of website visitors, possibly a much larger number, than would a more attractive, optimally performing website.

Our data shows that a successful website should cause at least 5% of your visitors to make contact with you. A very good website could have 10% of its visitors making contact with you. For purposes of this article, this is your website's "inquiry rate."

To show how important the inquiry rate is, imagine that there are 1,000 visitors to your website over some period of time, maybe a few weeks, maybe a few months. If your website causes 1% of your website visitors to



make contact with you, then that is 10 inquiries. If 5% of your website visitors contact you, that's 50 inquiries. If

with the 1% inquiry rate as compared to 20 possible leads from the website with the 10% inquiry rate.

*A successful website should cause at least 5% of your visitors to make contact with you.
A very good website could have 10% of its visitors making contact with you.*

10%, then you'd get 100 inquiries. It goes without saying that 100 inquiries will yield more good leads than 10 inquiries, and this is why a great website is so important.

Not all of these inquiries are going to be good cases. You already know that a lot of the calls and emails you get are not very good. People can't afford you, their statute of limitations lapsed years ago, their legal matter is in another State, etc.

But let's say that one out of five of those inquiries is something of interest. If so, then you will have received two possible leads from the website

Once your website gets your website visitors to make contact with you, your job is to convert them to clients.

Using a 5% inquiry rate as our baseline, if you have 300 visitors to your website, you should receive 15 inquiries and if your website converts at 10%, then you should receive 30 inquiries:

300 visitors ==> 15 to 30 inquiries.

Of the 15 to 30 inquiries, we discussed earlier that most of these inquiries probably won't be legal matters that you are interested in handling

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Note from the Chair

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clude a provision to expand privilege protection to communications between prospective client callers to lawyer referral services throughout the state as defined in N.Y. JUD. Law §498: NY Code-Section 498: Professional Referrals. Our proposal was submitted to the NYSBA Committee on Civil Practice Rules and Procedure for consideration, and they voted unanimously (14-0) in favor of the proposed amendment. This proposal will be presented to the Executive Committee of the New York State Bar for further consideration. Our request was sparked by events that occurred in the State of California- which prompted their legislature to make client communications with its lawyer referral services privileged, and which Governor Brown signed into law in July, 2013. In San Francisco a caller seeking legal representation made use of the San Francisco Legal Referral Service, shortly thereafter, the service was subpoenaed by a prosecutor to produce all communications between the caller and the service (to be used as evidence in a criminal prosecution). The SF Referral Service moved to quash the subpoena, no records were produced, and the final opinion by the court never made mention of the incident. Those involved moved their legislators to amend the California Rules of Evidence (analogous portion of law to our NYS CPLR) to protect lawyer referral services from prosecutorial subpoena or disclosure barring client waiver of privilege. Our committee decided that we would follow California's lead and also seek privilege protection for the thousands upon thousands of clients who seek legal representation each year from the twenty recognized lawyer referral services that operate across the entire state of New York. We will be sure to update you as events progress.

Anna K. Christian, Committee Chair

Lawyer Referral: Good for Lawyers, and Good for Clients

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Tastensen

quickly in the aftermath of recent natural disasters—Hurricane Irene and Superstorm Sandy—recruiting attorneys from across the state to assist those requiring legal guidance with their insurance carriers, Federal Emergency Management Agency (FEMA) applications and other legal issues.

The LRIS seeks out and responds to unmet legal needs for New York citizens, creating a mutual benefit for the attorneys who become panel members of the service, and the clients in need of legal referrals.

For example, LRIS, with committee oversight, created a Veterans Panel reduced cost program in November 2013 to help veterans with a broad range of legal matters, including obtaining federal benefits, military discharge upgrades, adoptions and family law and bankruptcy. More than 250 attorneys around the state will have participated when the program ends on November 30.

Building a client base

By mid-October, LRIS had received more than 11,500 calls from the public in 2014. Of those requests, 2,355 were referred to a lawyer (about 20.4 percent).

Elena Jaffe Tastensen of Saratoga Springs (Law Office of Elena Jaffe

Christian is proud of the LRIS mission to serve the public needing legal services, and to provide panel lawyers with carefully screened clients. Notably, the LRIS reacted

Tastensen, PLLC) benefited from the LRIS during her early years as a solo practitioner. After working as an assistant district attorney in New York County and as an attorney for the New York State Consumer Protection Board in Albany, Tastensen set up her own firm 10 years ago in Saratoga Springs. She concentrates her practice in family and matrimonial law, as well as criminal law.

She is enthusiastic about her experience as a member of the LRIS Panel. "It is absolutely a worthwhile experience," said Tastensen. "The LRIS really helped me grow my practice. Now that I have been in business for myself for more than 10 years, it's still a great way to find new clients."

She appreciates that attorneys can specify which areas they practice in and the kind of cases they can take. "It is a win-win," said Tastensen. "Attorneys get referrals for their practice. Clients get an attorney who is experienced in that area of law."

Frank M. Putorti, Jr. of Schenectady (Law Office of Frank M. Putorti, Jr.) won a medical malpractice case that was referred to him through the LRIS last year. It was one of the largest cases ever to come through the LRIS.

He noted that some clients call LRIS because they have been turned down by other attorneys. "I would like to see more clients go through LRIS because I think it's a good service," said Putorti. "Every lawyer should try it. It's a good thing."

Lawyers interested in joining the LRIS panel can find an application and more information at www.nysba.org/lawyerreferral.

Vogel is NYSBA's Social Media and Website Content manager.

A Long Road to a Lifelong Dream

New LRIS Panel Member: Clotelle Drakeford

Admitted in: 2013

LRIS Panel Members Since: 2014

Areas of Practice: Criminal Defense, Family Law, Guardianship Matters, Real Estate Closings, and Vehicle and Traffic cases.

Clotelle Drakeford was born in Queens, NY and raised in North Carolina by her single mother. She graduated from North Carolina Central University in 1997 with a B.S. in Criminal Justice and a B.A. in Sociology.

She began her legal career as both a paralegal and legal secretary to various personal injury firms from 2001-2007. In 2008 she enrolled in Albany Law School.

Working as a full-time Realtor during law school, she did not have time to secure an internship until after graduating from Albany Law in 2011. She then obtained externships with the Federal Public Defender in the North-

ern District, and with the Albany County Public Defender's Office.

In 2013, she held a part-time position with the Columbia County Public Defender's Office as a Family Law Case Manager. In this role, she served as the office liaison to clients to ensure their compliance with court ordered treatment programs and parenting classes to resolve pending cases.

Ms. Drakeford was offered a part-time position in the same office as an Assistant Public Defender, and subsequently was admitted to the Bar.

In February of 2014 she began her private practice in Hudson, NY.

Bar Affiliations: Secretary to the Capital District Black and Hispanic Bar Association; Member of NYSBA's Committee to Ensure Quality of Mandated Representation; and Third Department Representative for the NYSBA's Conference of Bar Leaders.



"It is truly a pleasure and privilege to participate in the NYSBA Lawyer Referral and Information Service Program.

With my budding private practice, I am not yet in a position to advertise about my services. But, I am able to steadily take on new cases and be retained by clients that would not know about my practice areas without my membership with the NYSBA Lawyer Referral Service and Information Program. The referral notification process is most efficient, and the program staff members are simply delightful to work with to boot. Therefore, I highly recommend the Lawyer Referral and Information Service Program."

Although I have finally fulfilled my lifelong dream of becoming an attorney, I intimately understand what it is like to be indigent as well as lack access to basic information and resources. I was raised by a single mother and incredibly supportive grandparents. However, as a child, we had no college graduates in my family, and there was no emphasis on education. My mother struggled severely with low paying jobs to keep a roof over our heads. I overcame considerable odds to be where I am today.

Website Traffic

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and about one out of five may contain a legal issue of interest to you.

If one out of five of the inquiries are of interest, then there should be about three viable legal matters within that set of 15 to 30 inquiries.

300 visitors ==> 15 to 30 inquiries
==> 3 to 6 viable legal matters.

These three to six leads are the people to whom you must immediately respond. If you respond immediately and are a good closer, it is expected that you will get maybe one of these three prospects, possibly two, and maybe (but not likely) all three into your office for a longer conversation steering towards the establishment of an attorney-client relationship..

Fortunately, of the four components of this equation, three of the parts are under your control:

The more visible you are, the faster that 300 people with legal issues will be coming to your website. The number of inquiries from those 300 visitors will depend upon how attractive people find your website, which includes your development of engaging content, selection of attractive stock photography and the creation of a version of your website for mobile devices.

The quality of the cases and the percentage of which are of interest to you is not something you can control because people with good cases and

people with bad cases will look for you using the same search terms.

Finally, the number of prospects who you convert to clients is entirely on you. This will depend on the immediacy of your response to their inquiry, your apparent empathy towards their plight, your expertise in their legal issue and your subsequent sales process.

Ken Matejka, J.D., LL.M, is a California-licensed attorney and President of Matejka Marketing, Inc., a San Francisco-based Internet marketing company for solo practitioners and small law firms. If you have questions about this article, Ken can be reached at ken@matejkamarketing.com.

State Bar News? There's an app for that!

by Brandon Vogel



Members can now enjoy reading the State Bar News on their smartphones and tablets, simply by downloading a new app.

The State Bar has launched a "NYSBA Periodicals" app for the State Bar News and the Bar Journal. Members can read an entire issue or selected articles easily and follow short URL links for more information about news and feature articles, as well as advertisements.

Downloading is easy

For iPhone/iPad users, please visit the Apple Store and search for "NYSBA." You should receive three results. Download the "Journal/State Bar News" app.

For Droid users, visit the Google Play Store and search for "NYSBA." You should receive three results. Please download the "Journal/State Bar News" app.

Once you have downloaded the app, use your member login and password to access the latest editions.

State Bar News editions starting with the July/August 2014 issue and Bar Journal editions from the May 2014 issue forward are already loaded on the app. Members can read more complete archives on the website, www.nysba.org/sbn or www.nysba.org/journal.

Vogel is NYSBA's Social Media and Website Content manager.

Prisoners' Legal Services of New York Helps Coordinate Referrals for Incarcerated Persons

By Samantha Howell, Esq., Director of Pro Bono & Outreach

Prisoners' Legal Services of New York (PLS) is a not-for-profit legal service agency that provides civil legal services to indigent persons incarcerated in New York State correctional facilities where appointed counsel is not available. PLS advocates for incarcerated New Yorkers on issues surrounding their conditions of confinement and helps prepare them for release and successful reintegration into their communities.

Four Regional Offices

PLS has four regional offices – in Albany, Buffalo, Ithaca and Plattsburgh – and assists persons incarcerated in any of the 54 state correctional facilities. PLS receives over 10,000 requests for assistance annually and, due to its limited staff and resources, PLS relies heavily upon its Pro Bono Partnership Program (PBPP) to find volunteer attorneys who can help alleviate the caseload.

Attorneys who volunteer with PLS' PBPP have the opportunity to provide legal advice and counsel, advocacy, and legal representation to indigent New Yorkers in prison. The program, now in its fourth year, has recruited dozens of attorneys to assist on cases ranging from divorces to challenges to disciplinary hearings to state habeas corpus petitions.

This spring I met with Eva Valentin-Espinal to discuss ways to improve collaboration and referrals between PLS and the NYSBA Lawyer Referral and Information Service (LRIS). Through this collaboration, NYSBA's LRIS is checking with PLS when it receives referrals to see whether PLS can provide assistance before responding to individuals. This effort should reduce the number of people that a person has to contact to receive assistance.

Training for prisoners' rights cases

Taking prisoners' rights cases can be intimidating because the law is complicated and few attorneys have experience in dealing with prisons or prisoners' rights issues, but this should not deter folks from volunteering!! At PLS, all of our volunteers receive training on procedural and substantive matters, training materials, and support services from our experienced staff.

Most PLS volunteers start by accepting a case involving a challenge to a parole denial or a disciplinary hearing that resulted in solitary confinement. Typically these cases are litigated via an Article 78 proceeding. To assist our volunteers, we provide a training manual with an A-Z guide



on filing Article 78s, overviews of the substantive issues that may arise, and sample forms. If an oral argument is scheduled, we will happily schedule a moot court session with the volunteer. We also offer office space and resources in any of our locations for our volunteers. PLS is also an accredited CLE provider, for both in-person trainings and for pro bono work.

If you are interested in accepting pro bono referrals for prisoners' civil rights cases, please contact me at showell@plsnyc.org or 518-445-6050. If you would like to serve on NYSBA's LRIS panel, please contact Eva Valentin-Espinal, Coordinator, at evalentin@nysba.org.

Committee on Lawyer Referral Service

Anna K. Christian, Esq., *Chair*

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NEW YORK STATE BAR ASSOCIATION
Lawyer Referral

Eva Valentin-Espinal, Coordinator,
Lawyer Referral and Information Service

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Lawyer Referral Veteran Pilot Program a Success

265 attorneys eagerly volunteered to help launch our Lawyer Referral Veteran Pilot Project. The program ran from November 2013 through November 2014 and assisted over 400 veterans across the state.

Veterans received free consultations and 25% reduced fees. Cases ranged from adoptions to veterans benefits.

Thanks to all who volunteered.

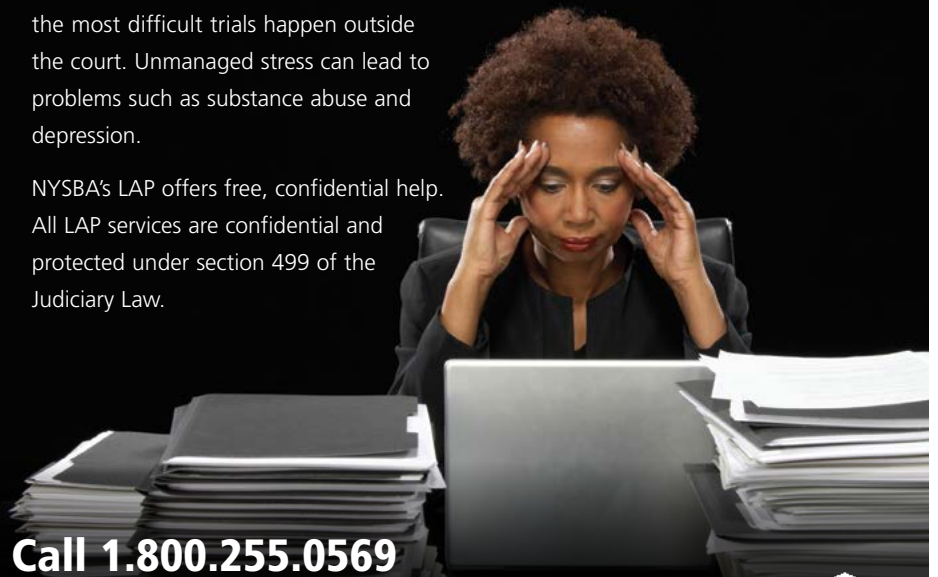


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NYSBA's LAP offers free, confidential help. All LAP services are confidential and protected under section 499 of the Judiciary Law.



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