NEW YORK STATE BAR ASSOCIATION

Lawyer Referral

The Lawyer Referral and Information Service Newsletter

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Message from Chair

Tastensen

Happy 2016! This year marks the 35th anniversary of the New York State Bar Association's Lawyer Referral and Information Service (LRIS). Since its inception in 1981, the LRIS has assisted more than 655,000 members of the public. In 2015 alone, we fielded over 10,000 calls from residents of New York and other states. We also received calls from across the globe. Callers continue to seek legal counsel in a variety of areas of law, including negligence, family law, criminal law, worker's compensation, social security disability, etc..

I want to thank all of our attorney panel members who have renewed their membership in the LRIS for 2016. Many of our LRIS panel attorneys have been with our service for over 20 years. I also want to welcome all of our new attorney panel members. Without the help of all of our attorneys we would not be able to run our valuable service. We are always welcoming new attorney panel members, and are specifically in need of additional members in Western New York and the Southern Tier. Please encourage attorneys in these areas to join the LRIS.

Since its inception in 1981, the LRIS has assisted more than 655,000 members of the public.

We couldn't do it without you!

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35 years
NYSBA
LAWYER REFERRAL AND INFORMATION SERVICE

NYSBA

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.

Switching gears with LawHUB℠

By David Adkins

The law profession is changing – and changing fast – thanks to the near constant development of new technologies. Our goal at the State Bar is to let members embrace those technologies in a way that streamlines their practices and enhances their work.

We've developed an exciting online tool – the first in the nation– that brings together all of the services and information you need in one format that's easy to use on your desktop, tablet or smartphone.

LawHUB℠ offers a comprehensive suite of information and tools just for attorneys and law students. It brings together all the services that every attorney in New York can use – and it's especially indispensable for solo and small firm practitioners.

We know that the work you do changes many times a day. You move from researching a case to scheduling appointments to billing clients to connecting with colleagues. And you need to shift gears quickly and seamlessly. With LawHUB℠, you have everything you need on a single screen – all arranged just as you want to see it.

You face a daily onslaught of information from widely varying sources. The State Bar and our members create an enormous amount of substantive legal content each year – reports, CLE programs, section publications, forms, video content, discussion posts from our online communities, CasePrep Plus, ethics opinions, and NYSBA publications. With LawHUB℠, you select only the curated content pertinent to your practice. It reduces clutter by letting you control what you receive.

Once you've signed on, you can customize your hub, selecting only the items most useful to you – from managing your practice, to tapping into research, to joining online communities.

In addition to letting you select just the content that interests you, LawHUB℠ connects you to legal technology tools already available to members, including FastCase for free legal research, Clio for practice management, and LawPay for payment processing. You also can use it to display outside tools that you use every day. For example, if you maintain your calendar in Google or Microsoft 365, you can connect to your online accounts and display your appointments.

LawHUB℠ also makes it easier to connect with your peers. Instead of logging into your email or section communities, you can post a question with just one click and immediately reach the individuals who can answer your query or provide assistance.

Give the LawHUB℠ a spin and shift your practice into overdrive.

Go to www.nysba.org/lawhub to get started.

David Adkins is NYSBA's Chief Technology Officer

Percentage Fee Reminder

LRIS collects 10% of the entire fee for any referral case fee that is $500 or more. For example, our percentage for a legal fee of $1,000 would be $100. Some attorneys have mistakenly subtracted the first $500 and submitted only $50.

Any questions about percentage fees can be directed to Eva Valentin-Espinal, Lawyer Referral Manager at **evalentin@nysba.org**.

Solo and Small Practice Advisory Panel

The New York State Bar Association is taking an innovative approach to addressing the needs of its members. We have established specialized teams that are designed to focus on specific practice settings and experiences of our members. The Solo and Small Practice team's goal is simple: to tailor benefits to meet your unique set of needs and challenges.

As a member of the Advisory Panel, you will have the opportunity to let us know how we can serve you better by completing a series of brief online surveys and participating in focus groups. We respect your busy schedule and understand that you will participate only when you can.

To become a member of the Solo and Small Practice Advisory Panel contact Kevin B. Getnick, Executive Services Counsel, at kgetnick@nysba.org.

Planning your exit ahead to protect your clients' interests

By Katherine Suchocki


Suchocki

I take calls from members daily. Some are calls about upcoming programs, others are requests for information about practice management and many ask where to find information about starting a practice.

Over the past few years, I have received many inquiries from members about closing a law firm or selling a practice. I also regularly receive calls from family members of solo practitioners who recently have passed away. They are uncertain what to do with boxes of files and how to wind down their loved one's practice.

When you are retiring or selling your firm, you can take steps for an orderly transition in advance. But what happens if you are a solo practitioner, suffer a stroke or other medical issue and you are unable to continue to practice law? Who is there to wind down your practice?

The State Bar recently updated the "Planning Ahead Guide: Establishing an Advance Exit Plain to Protect Your Clients' Interests in the Event of Your Disability, Retirement or Death." It is available free at www.nysba.org/PlanningAhead.

First developed in 2005 by the Committee on Law Practice Continuity, the Planning Ahead Guide is an invaluable resource for attorneys. While geared toward planning ahead in the event of incapacity, this publication offers sample letters, templates, checklists and forms useful to any situation.

The 2015 Planning Ahead Guide replaces citations to the old ethics rules with current references to the Rules of Professional Conduct and revises the model forms to reflect, among other things, changes in the law and some of the newer technologies used by many practicing lawyers.

The guide includes free, downloadable, forms and links to many of the cited references. The checklists and sample forms are great starting points for planning ahead.

The Law Practice Management Committee thanks Sarah Diane McShea, who spearheaded the 2015 revision. Thanks also go to the members of its subcommittee on Law Practice Continuity for their dedication and commitment in updating the guide, including Marion Hancock Fish, Patricia Spataro, Henry E. Kruman, Robert L. Ostertag, Anthony R. Palermo, Marian C. Rice, John R. McCarron, Anthony Q. Fletcher and Joseph F. Saeli.

See an excerpt from the Planning Ahead Guide on this page stressing the need for solo and small firm practitioners to plan ahead. For more information about planning ahead and other law practice management tips, visit www.nysba.org/LPM.

The information in the 2015 Planning Ahead Guide will assist you in protecting your clients and your practice if you are unable to act.

The complete guide includes forms and checklists on the following topics:

- Lawyers planning to protect clients' interests in the event of the lawyer's disability, impairment, incapacity or death
- Closing your own office
- Closing another attorney's office

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Eva Valentin-Espinal, Manager,
Lawyer Referral and Information Service
www.nysba.org

Planning your exit ahead to protect your clients' interests

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- Concerns when assuming temporary responsibilities of another attorney's office
- Authorization and consent to close a law practice
- Letter from closing or caretaker attorney advising that lawyer is unable to continue to practice
- Executor of a solo practitioner
- Sample asset purchase agreement between executor and purchaser
- Lawyer's business disaster planning and recovery.

The guide also includes answers to frequently asked questions that should be taken into consideration in making plans to protect clients' interest.

It is important to note that the report of the State Bar's Special Committee on Law Practice Continuity proposed a uniform rule that would allow the four Appellate Division departments to designate a temporary "caretaker attorney" to assist in the management, closure or sale of a law practice on behalf of an attorney who is unable to continue to practice law.

The Office of Court Administration, on July 16, 2012, sought comments relating to the appointment of "caretaker" attorneys and Proposed New Uniform Court Rule 22 NYCRR Part 1250 – Client Protection, Voluntary or Involuntary Cessation of Law Practice, Caretaker Attorneys. However, the Appellate Division has declined to adopt the proposed rule at this time.

For more information on the proposed caretaker rule, visit www.nycourts.gov/rules/comments. Find the proposed model rule and the committee's supporting memoranda at www.nysba.org/ProfessionalConduct.

Katherine Suchocki is NYSBA's LPM Director.