

STATE BAR OF SOUTH DAKOTA
South Dakota Lawyer Referral Service
Operating Rules

I. PURPOSE

The South Dakota Lawyer Referral Service (SDLRS) is sponsored by the State Bar of South Dakota (State Bar) as a service aimed to expand the availability of legal services to the public while offering local attorneys a way to reach new prospective clients.

II. GOVERNANCE

The SDLRS is operated by the State Bar and the State Bar Lawyer Referral Service Committee (LRS Committee) under the direction of the State Bar Board of Bar Commissioners (Bar Commissioners).

III. PANEL MEMBERSHIP ELIGIBILITY

- A. Panel membership is open to attorneys who are in good standing with the State Bar, have the required liability insurance coverage, and meet any additional required criteria as set by the LRS Committee and approved by the Bar Commissioners.
- B. Attorneys who want to be listed with the SDLRS must submit a completed SDLRS enrollment form, complete all information required for an online profile, and remit an annual membership fee to the State Bar. Panel membership is for a period of one year and may be renewed annually beginning on the first of August each year.
- C. SDLRS attorney members must comply with the South Dakota Rules of Professional Conduct.
- D. The LRS Committee has the discretion to deny or limit any application for or renewal of membership to the SDLRS or to any practice panel. The LRS Committee may also remove any member from membership or any practice panel. Removal from membership or from any practice panel does not imply a finding of professional misconduct or wrongdoing.

IV. PANEL MEMBERSHIP REQUIREMENTS

- A. Panel members must be in good standing with the State Bar, which is checked with the State Bar upon application or renewal of panel membership.
- B. Panel members must carry professional liability insurance coverage at a minimum amount of \$100,000.00/\$300,000.00. Members must provide the name of the carrier, insurance policy number, and expiration date. Members must also upload a pdf copy of their insurance declaration to their online SDLRS profile.
- C. Panel members are required to remit annual membership dues. General membership dues are \$50.00 annually for each attorney and are non-refundable. This entitles the member to select three practice panels. Additional practice panels are \$20.00 each. A member may select without additional cost any sub-panels within the member's selected practice panels.

V. PANEL MEMBERSHIP GUIDELINES

- A. Any time a case referred by the SDLRS generates attorney fees for a member, it is strongly encouraged that the member contributes 7% of the fee to the South Dakota Bar Foundation.
- B. Panel members shall return all forms or reports required by the LRS Committee in a timely fashion. Failure to do so is cause for suspension or removal from membership.
- C. The SDLRS does not collect fees from the client. The panel member and the client must agree upon any compensation for any time or services.
- D. Panel members are required to treat clients with respect and handle the SDLRS-retained cases in a timely and serious manner.
- E. Panel members must understand that there is no assurance that fee-generating referrals will result from membership on any panel.
- F. Each panel member retained to handle a matter referred by the SDLRS shall maintain responsibility for and control of such matter. A panel member may not transfer to another attorney the responsibility for or control of any matter referred by the SDLRS without the knowledge of the SDLRS, unless required by law, court order, or the written direction of the client.
- G. A panel member who does not accept a matter referred by the SDLRS shall not recommend another attorney to the client. When a panel member declines a referred matter, the member must direct the client to log-in to the client's SDLRS online profile to receive a new referral. The panel member must also log-in to the panel member's SDLRS attorney profile to indicate the member has rejected the client referral. Failure to do so may result in suspension or removal from the SDLRS.
- H. Panel members wishing to withdraw from the SDLRS are directed to do so in writing to the LRS Committee. Withdrawing members are still required to submit any required forms or reports regarding past SDLRS referrals.

VI. SUSPENSION OR REMOVAL FROM MEMBERSHIP

- A. Panel members must abide by the guidelines described in these Rules. Members failing to do so may be subject to suspension or removal from SDLRS membership.
- B. Upon the discovery of a violation of these Operating Rules, the Executive Director of the State Bar of South Dakota, or his/her designee, may temporarily suspend a panel member from membership. The Executive Director will notify the panel member in writing of the temporary suspension. After receiving this notification, the panel member may respond. The matter shall be forwarded to the LRS Committee for resolution. Temporary suspensions resulting from submitting a delinquent report shall be removed upon compliance.
- C. All other complaints against a panel member will be handled by the LRS Committee on a case-by-case manner. Upon receipt of a complaint, the panel member will be notified in writing. Panel members are invited to respond. Information regarding the alleged violations(s) and the panel member's response shall be forwarded to the members of the LRS Committee. Panel members may be temporarily suspended from membership by the LRS Committee without notice or hearing pending resolution of the matter. After providing the panel member with notice and the opportunity to be heard, the LRS

Committee may resolve the complaint in the manner it deems most fit, including modifying the terms of the member's participation, or suspension or removal from membership. Final decisions of the LRS Committee on a complaint may be appealed to the Board of Bar Commissioners.

Adopted by the State Bar of South Dakota Board of Bar Commissioners on June 15, 2018.