

CHAPTER 8. LAWYER REFERRAL RULE

8-1. GENERALLY

RULE 8-1.1 STATEMENT OF POLICY AND PURPOSES

Every citizen of the state should have access to the legal system. A person's access to the legal system is enhanced by the assistance of a qualified lawyer. Citizens often encounter difficulty in identifying and locating lawyers who are willing and qualified to consult with them about their legal needs. Bona fide not-for-profit state and local bar associations are uniquely qualified to provide lawyer referral services under supervision by The Florida Bar for the benefit of the public. The Florida Bar's policy is to support the establishment of local lawyer referral services and to encourage those services to: make legal services readily available to the general public through a referral method that considers the client's financial circumstances, spoken language, geographical convenience, and the type and complexity of the client's legal problem; provide information about lawyers and the availability of legal services that will aid in the selection of a lawyer; inform the public when and where to seek legal services and provide an initial determination of whether those services are necessary or advisable; and provide referral to consumer, government, and other agencies when the individual's best interests so dictate.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); amended May 9, 2024, effective July 8, 2024 (SC2024-0030).

8-2. REQUIREMENTS

RULE 8-2.1 REQUIREMENTS FOR ESTABLISHING A LAWYER REFERRAL SERVICE SPONSORED BY A LOCAL BAR ASSOCIATION

The Board of Governors of The Florida Bar may adopt regulations governing the establishment, operation, and termination of lawyer referral services operated by a local bar association.

A local bar association may operate a lawyer referral service only on approval by The Florida Bar Board of Governors. A lawyer referral service sponsored by a local bar association must be offered

primarily for the benefit of the public and established and operated by a nonprofit organization exempt from federal taxation under section 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code of 1986.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); amended March 23, 2000 (763 So.2d 1002); amended May 9, 2024, effective July 8, 2024 (SC2024-0030).

RULE 8-2.2. LOCAL BAR ASSOCIATION SPONSORED LAWYER REFERRAL BYLAWS

The bylaws or rules and regulations that govern an existing lawyer referral service or the proposed bylaws or rules and regulations that will govern a proposed lawyer referral service must include the following.

(a) Proof of Professional Liability Insurance. All members of the lawyer referral service must maintain and provide proof to the sponsoring local bar association of professional liability insurance in the minimum amount of \$100,000, unless the proposed lawyer referral service itself carries professional liability insurance in an amount not less than \$100,000 per claim or occurrence.

(b) Membership Restricted to Geographic Area. All members of the lawyer referral service must maintain an office in the geographic area served by the proposed lawyer referral service.

(c) Membership Eligibility. Membership in the lawyer referral service is limited to members of The Florida Bar in good standing with no pending disciplinary matters in which probable cause has been found by any court or other authorized disciplinary agency of any jurisdiction.

(1) Membership will be denied if, at the time of the initial application, the applicant:

(A) has a disciplinary matter with a finding of probable cause pending in any court or other authorized disciplinary agency of any jurisdiction;

(B) has received within the past 5 years:

(i) any discipline by any court or other authorized disciplinary agency of any jurisdiction; or

(ii) any judgment, conviction (whether or not adjudicated), or determination in a court or administrative proceeding of the commission of any act of false statement, fraud, dishonesty, or misrepresentation;

(C) has received within the past 10 years:

(i) any determination by any court or other authorized disciplinary agency of any jurisdiction resulting in suspension; or

(ii) disciplinary revocation, disciplinary resignation, disbarment, or their equivalents of the applicant's license to practice law; or

(D) is currently on probation with any court or other authorized disciplinary agency of any jurisdiction, in which case the lawyer referral service will not consider the application until the lawyer has successfully completed the probationary period.

(2) The lawyer referral service will suspend membership of a member if probable cause is found by any court or other authorized disciplinary agency of any jurisdiction.

(3) The lawyer referral service will remove a member if the member has:

(A) willfully failed to abide by the bylaws or rules of the proposed lawyer referral service;

(B) signed any application or other certification or report to the proposed lawyer referral service that is found to be untrue in any material respect; or

(C) become ineligible to provide the legal services for which persons are referred.

Added May 9, 2024, effective July 8, 2024 (SC2024-0030).

RULE 8-2.3 CONTENTS OF APPLICATION

A local bar association seeking approval to operate a lawyer referral service under this chapter must file a written application with The Florida Bar containing the following:

(a) a statement of the benefits to the public to be achieved by implementing the lawyer referral service;

(b) proof that the referral service is established and operated by a nonprofit organization exempt from federal taxation under section 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code of 1986;

(c) the proposed bylaws or rules and regulations that will govern the lawyer referral service;

(d) the estimated number of lawyers who will participate in the service;

(e) the number of lawyers in the area;

(f) demonstration of a need for the service in the area;

(g) the geographic area in which the proposed referral service will operate;

(h) a statement of how the lawyer referral service will be conducted;

(i) a statement of fees to be charged by the lawyer referral service, including, but not limited to, fees charged by the referral service to members of the public using the service and fees charged by the referral service or remitted to the referral service by member lawyers;

(j) a statement that the lawyer referral service will be open for referral to the members of the public without regard to race, sex, national origin, or economic status; and

(k) a statement that the local bar association is representative of the profession in the area of the service and is open to all members of the profession on an equal basis.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); July 1, 1993 (621 So.2d 1032); March 23, 2000 (763 So.2d 1002), amended November 9, 2017, effective February 1, 2018 (SC16-1962); amended May 9, 2024, effective July 8, 2024 (SC2024-0030).

RULE 8-2.4 APPROVAL OF APPLICATION

The board of governors may approve or disapprove the application to operate a lawyer referral service or it may require additional information. The board of governor's written decision will be provided to the applicant.

Amended effective March 23, 2000 (763 So.2d 1002); amended May 9, 2024, effective July 8, 2024 (SC2024-0030).

8-3. SUPERVISION AND REPORTING REQUIREMENTS

RULE 8-3.1. SUPERVISION

The Florida Bar must actively supervise the operation and conduct of all lawyer referral services established under this chapter at no charge to the local bar association or its lawyer referral service.

Added May 9, 2024, effective July 8, 2024.

RULE 8-3.2 REPORTING REQUIREMENTS

(a) Quarterly Reports. Any lawyer referral service approved by The Florida Bar and operated by a local bar association must submit quarterly reports to The Florida Bar containing:

- (1) a statement of the sources of income by category and amount;
- (2) a statement of expenditures by category and amount;

(3) the number of lawyers who were members of the lawyer referral service for the reporting period and special panels, if any;

(4) the number of inquiries received by the referral service from members of the public during the reporting period;

(5) the number of referrals for legal services made by the service during the reporting period;

(6) the number of referrals for nonlegal services made by the service during the reporting period;

(7) a statement of the operation of the lawyer referral service, including the number of personnel employed and the means by which referrals are made by the service; and

(8) a statement of changes, if any, to the bylaws and regulations governing the lawyer referral service.

(b) Annual Report. Any lawyer referral service approved by The Florida Bar and operated by a local bar association must submit an annual report to The Florida Bar that contains the information in the quarterly reports above plus a proposed budget for the following year and a statement of any material changes in the operation of the lawyer referral service since the filing of the initial application or the immediate past annual report, whichever is later.

(c) Disciplinary History Request for New Applicants. Any lawyer referral service approved under this chapter must notify The Florida Bar in the manner specified by the bar of each new applicant and obtain that applicant's disciplinary history before admitting the applicant to membership.

(d) Notice of Removal or Resignation of Panel Members. Any lawyer referral service approved under this chapter must notify The Florida Bar in the manner specified by the bar of each member who is removed from or voluntarily stops participation with the approved lawyer referral service.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); July 1, 1993 (621 So.2d 1032); amended May 9, 2024, effective July 8, 2024 (SC2024-0030).

8-4. REVOCATION
RULE 8-4.1 REVOCATION

The board of governors may revoke the authority of any bar association to operate a lawyer referral service for good cause. Good cause includes, but is not limited to, failure to comply with any requirements of this chapter.

Added May 9, 2024, effective July 8, 2024 (SC2024-0030).

8-5. IMMUNITY
RULE 8-5.1 GENERALLY

The Florida Bar Lawyer Referral Service and any local bar association lawyer referral service approved under this chapter, including their directors, officers, lawyer referral service committees, and staff, have absolute immunity from civil liability for all acts in the course of their official duties under this chapter.

Added and amended effective March 23, 2000 (763 So.2d 1002), amended November 9, 2017, effective February 1, 2018 (SC16-1962); amended May 9, 2024, effective July 8, 2024 (SC2024-0030).