

**Attorney Referral Fees Committee**  
**April 24, 2018**  
**10:00am – 12:00pm**  
**Oregon State Bar Center – McKenzie Conference Room**

Adobe Connect Access:

<http://connectpro83487376.adobeconnect.com/referralfee/>

Teleconference Number: 1-877-239-6389

Participant Code: 914454

## **AGENDA**

**1) Introduction of committee members**

**2) Review of Charge**

Study the rules that govern the circumstances under which a lawyer may pay a for-profit company for directing clients to that lawyer (esp. 5.4(a)(5) and 7.2(b)), in light of changing models for obtaining and delivering legal services. Consider how such rules should be amended in order to account for these changes, while still protecting the public and allowing for greater access to legal services.

**3) [Background information](#)**

**4) Framing the problem and potential solutions**

**5) Timeframe for project and next steps**

**6) Future Meeting schedule**

- Once a month – Third or Fourth Tuesday  
Tentative date for next meeting: Tuesday, May 29, 2018

**7) For the Good of the Order**

## **4/24 Meeting Background Materials:**

- 2017 HOD Agenda – Amendment to ORCP 5.4(a)(5) and 7.2(b)(2)
- OSB Futures Task Force Regulatory Committee – Report and Recommendations
- OSB Futures Task Force Executive Summary
- Regulatory Objectives (*adopted by Conference of Chief Justices in 2016*)
- Proposed Amendments to Rules on Fee-Sharing with Lawyer Referral Services – Oregon State Bar Bulletin October 2017
- OTLA letter to the Bar re HOD resolution
- Avvo Legal Services Walk-Through
  
- ORS Rule 9.510 Solicitation by attorneys:  
No attorney shall solicit business at factories, mills, hospitals or other places, or retain members of a firm or runners or solicitors for the purpose of obtaining business on account of personal injuries to any person, or for the purpose of bringing damage suits on account of personal injuries.

## **Cases of Note:**

- *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S.Ct. 1101 (2015).
- *TIKD Services v. The Florida Bar*
- *Legal Zoom v. North Carolina State Bar*
- *LegalForce RAPC v. Legal Zoom and State Bar of California, State Bar of Arizona and State Bar of Texas*

## **Ethics Opinions:**

### New York

- New York Ethics Opinion No. 1132
- A commentator's reaction to the NY Opinion

### New Jersey

- New Jersey Ethics Opinion
- ABA Journal article outlining the NJ Opinion

Ohio

- Ohio Ethics Opinion No. 16-3

South Carolina

- South Carolina Ethics Opinion No. 16-06

Pennsylvania

- Pennsylvania Ethics Opinion