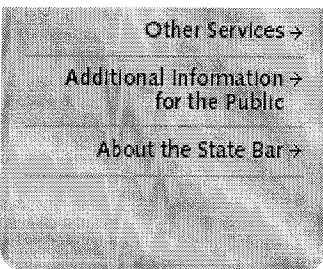


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### TBJ | Feature

**March 2004**

#### Referral Fee Task Force Public Hearings Update

The State Bar of Texas Referral Fee Task Force has begun the process of collecting testimony through its public hearings process. Future public hearings are scheduled for March 3 in Houston and March 26 in Austin.

In addition to referral fees, the task force is studying advertising rules (Texas Disciplinary Rules of Professional Conduct 7.02(a) as they relate to testimonials and unjustified expectations). Examples of some of the commentary received by the task force included:

"It is a good idea for a written fee agreement to exist between all the lawyers involved including how a referral fee is to be split. It might be advisable for a record of that agreement to be recorded at some central location."

"Information regarding referral fees should not be disclosed to the court."

"What issues are these rules seeking to resolve? Maybe an empirical study is called for to get a real scope of the problem before deciding on a solution."

"Any rule that is created needs to be enforceable."

"If advertising lawyers is the problem, we should address that issue directly, not sideways."

"Make the rule part of Rules of Professional Conduct."


"Out-of-state lawyers who advertise should comply with Texas rules and regulations."

"How much involvement should the referring lawyer have to receive a fee? How much liability does the referring lawyer have after referring a case?"

"Most lawyers do not generate a large percentage of their income from referral fees. They primarily refer cases because another lawyer can better handle the case."

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"Texas' open referral system works and ensures clients get best representation. The net effect to the client is the same regardless of how many lawyers are involved."

"Without referral fees, some lawyers might not refer cases that they are marginally competent to handle."

*(These examples are provided for information only and do not reflect any input from the task force.)*

Written comments to the State Bar Office of External Affairs, P.O. Box 12487, Austin 78711-2487 will be accepted through March 26. **All interested parties are encouraged to attend the hearings and/or submit commentary.**

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