

## **NELARS RULES & GUIDELINES**

### **National Employment Lawyers Association Referral Service (NELARS)**

The National Employment Lawyers Association Referral Service (NELARS) is increasingly being recognized as the leading employment legal referral service in New York State. It was established as a public service by the New York Chapter of the National Employment Lawyers Association to help people find lawyers skilled in individual employment law and has become a rewarding venture for the many attorneys that have been certified to its referral panels. NELARS is operated as a public service and exists primarily for the benefit of the public. Specifically, NELARS was created in recognition of the public's need to find capable attorneys experienced in representing employees in employment matters. Due to the increasing volume of people seeking referrals, NELARS welcomes attorney applications for panel membership. As a benefit to both the public and NELARS panel members, a description of NELARS and its public telephone number is provided to all individuals who file a charge of discrimination or complaint with any local office for the three fair employment practice agencies located within New York State. Today, NELARS refers a wide variety of potential clients to its panel members. Panel categories include: sexual harassment, age discrimination, disability discrimination, racial discrimination, gender discrimination, national origin discrimination, religious discrimination, and sexual orientation discrimination. NELARS also refers other types of employment-related matters to its members such as employment contract and severance negotiations and defamation claims.

### **Panel Eligibility Requirements**

- To be eligible for membership, the attorney must:
- Engage in the regular private practice of law in the state of New York, and maintain an office suitable for receiving clients during normal business hours in the State of New York.
- Be a member of good standing of NELA/NY
- Have at least three years general experience in the field of employment law after the date of admission to the bar. In exceptional circumstances, and upon express request by the applicant, this requirement may be waived; any waiver decision will be made by the Executive Director in conjunction with the President of NELA/NY.
- Have handled at least five cases or matters in the field of employment law within the past three years. (“Handle” means to provide active legal representation, not mere consultation.)

### **Panel Membership**

Membership in NELARS is \$150 per annum (which covers membership in panels whose aggregate fees total \$150; membership in additional panels costs extra depending on the panel (see p.4 of membership information packet for detailed panel and fee information). The membership fee is payable upon submission of the written application. Membership is valid for one (1) calendar year; the cost to renew membership is \$150 per year plus extra costs for additional panels (if applicable). Once an attorney has expressed interest in applying to a certain panel or panels, he or she will be supplied with contact information to interviewing attorneys who will meet with the applicant to discuss and determine his or her experience in the particular area of employment law that he or she seeks panel membership in. This policy applies to potential and existing members; existing members must interview for any new panels that they seek membership in.

## **Rules/Conditions of Membership**

In consideration of general membership in NELARS, an Applicant agrees to the following:

1. To be eligible to, and engage in, in the State of New York, the regular full-time private practice of law, and to maintain an office suitable to receive clients during normal business hours in the State of New York. Members shall have been in active practice for at least three (3) years.
2. Maintain in full force and effect professional liability insurance coverage; in the minimum face amount of \$100,000 per incident, or such other amount as may be designated by NELARS from time to time; to furnish a copy of the declarations page of said policy to NELARS at the time of application; to notify NELARS of any renewal, cancellation or other change in insurance coverage; and to authorize the insurance carrier to supply to NELARS any requested information concerning the policy or to claims made thereunder.
3. To remain in good standing as a member in NELARS/NY.
4. To have his or her professional qualifications reviewed, at least annually, through the submission of written materials and/or a personal interview with the Executive Director/or other members of the Steering Committee.
5. To charge persons so referred an initial half-hour in-person consultation fee of \$25 (or such other amount as may be set by NELARS). This charge shall be for a general in-person consultation only; compensation for additional services, if any, may be arranged between the client and member only after the initial consultation. No further fees are collected unless said information is first communicated to the client. The attorney shall also timely advise the client whether there is an additional charge and state the basis (hourly or flat fee) for said additional charge.
6. To collect the \$25.00 initial consultation fees and to promptly remit same to NELARS.
7. If a member does not wish to represent a referred client, for any reason, the member shall refer the said client back to NELARS, and shall notify NELARS of the reason for said refusal.
8. If the fees received by a member as a result of any one referral by NELARS exceeds

\$1000, members pay NELARS, at the total conclusion of the matter, the following percentage of the total fee received:

5% of the first \$1000 to \$10,000 of net fees recovered

plus

10% of net fees recovered between \$10,000 and \$50,000

plus

15% of any amount of net fees recovered in excess of \$50,000.

9. To complete and return to NELARS, with the appropriate payment, no later than 30 days from the day of receipt, each referral, Notice or Statement, Billing Statement, or Case Status Report as forwarded to the Lawyer's Office by NELARS. Failure to complete and return (with the payment due, if any) the reports and other forms sent by NELARS on a timely basis may result in suspension of referrals, denial of renewal, or removal from NELARS.
9. To pay an annual listing fee in Accordance with the "Annual Listing Application" (Membership Renewal Fee) in full.
10. To retain and not transfer primary case responsibility, management or control of any matter or case referred by NELARS without the knowledge or consent of NELARS.
11. To consent, upon the clients' request, and in the discretion of NELARS, to have any fee dispute with a client referred by NELARS without the knowledge or consent of NELARS.
12. In the event of any fee dispute with a client referred by NELARS, the member agrees not to file a lawsuit to recover such fee, to send the matter to a collection agency, or to assign such matter to another attorney for collection, unless the client has first been advised, at least 14 days prior to taking such action, in writing, of the availability of the Steering Committee for fee conciliation matters, and said client has failed to contact said member, committee, or NELARS to institute such proceedings. A copy of any such notice sent to the client shall be furnished to NELARS upon request.
13. The Steering Committee, acting by subcommittee or through the Executive Director, has the discretion to deny.