

1. Bar Admission

Each panel member must be a member in good standing of the bar of the State of New York.

2. NELARS Membership

Each panel member must be a member in good standing of NELA/NY.

3. Active Practice of Law

Each panel member must have been actively practicing law in the State of New York for at least three (3) years.

4. Professional Liability Insurance

a. Each panel member must keep in full force and effect a professional liability insurance policy in the minimum amount of one hundred thousand dollars (\$100,000.00) per claim with a maximum deductible of ten thousand dollars (\$10,000.00).

b. Each panel member shall submit to NELARS a copy of the declarations page of his or her professional liability insurance policy or other evidence satisfactory to NELARS that such coverage is in force and effect.

c. Prior to the expiration date of his or her professional liability insurance policy, each panel member shall notify NELARS of the renewal of his or her professional liability coverage, accompanied by a copy of the declarations page of the renewal policy or other evidence satisfactory to NELARS that such coverage has been renewed.

d. Each panel member shall promptly notify NELARS if his or her professional liability insurance coverage is terminated or decreased.

5. Office Requirement

a. Each panel member shall engage in the practice of law in the State of New York and maintain an office in the State of New York suitable to receive clients during normal business hours or, if he or she does not maintain a fixed physical location for the practice of law in the State of New York, structure his or her practice in such a manner as to assure prompt and reliable communication with and accessibility by clients.

b. Notwithstanding rule 5.a, each panel member who is not a resident of the State of New York shall comply with section 470 of the New York Judiciary Law and certify such compliance in such form as shall be established from time to time by NELARS.

6. Application for Panel Membership

- a. An attorney who desires to be listed as a panel member shall make an application to NELARS in such form as shall be established from time to time by NELARS.
- b. NELARS shall review the suitability for panel membership of each applicant for panel membership and may, if an application for panel membership is deemed inadequate or deficient, deny such application without an interview. If the application is denied, the applicant shall be so informed in writing.
- c. In evaluating applicants for panel membership, NELARS will consider, among other things, the number of years the applicant has been admitted to the bar, the applicant's experience in and knowledge of the particular area(s) of law applied for, the number of matters that the applicant has handled in those areas of law, the applicant's knowledge of and adherence to applicable ethics codes and rules, the applicant's law office practices (including responsiveness to clients and handling of fee issues with clients), and the applicant's willingness to abide by and comply with these rules and to deliver legal services to clients in a manner consistent with the goals of NELARS.
- d. Former panel members shall be required to submit a new application and follow the same procedure as new applicants. In evaluating applications from former panel members, NELARS may consider the circumstances under which such panel membership ended.

7. Duration of Panel Membership

- a. Each panel member's listing shall be effective from January 1st to December 31st of each year unless otherwise terminated in accordance with these rules and may be renewed from year to year thereafter.
- b. Notwithstanding rule 7.a, a new panel member's listing shall be effective from the first (1st) day of the month following his or her acceptance to the panel(s), and his or her membership fees shall be prorated accordingly.

8. Renewal of Panel Membership

- a. Each panel member who wants to renew his or her panel membership shall complete a renewal application to NELARS in such form as shall be established from time to time by NELARS.
- b. In deciding whether to renew a panel member, NELARS may consider, in addition to any or all of the criteria for new panel members, the panel member's record with NELARS, including willingness to meet with referred clients, compliance with these rules, client feedback, and other relevant information.

9. Membership Fees

To become a NELARS panel member, each person shall pay an annual membership fee of \$300.00 to join an unlimited amount of the following panels.

Discrimination
Contracts
Compensation
Wage & Hour
Public Sector
Private Sector Labor Law
Employee Benefits
Academia
Professional Discipline and Licensure
Securities Industry Arbitration
Workers Compensation
Defamation and other Torts
Workplace Privacy
Whistleblowers
Family and Medical Leave
Unemployment Insurance

10. Initial Screening

- a. When a client referred by NELARS initiates contact with a panel member, the panel member shall respond to the client within two (2) business days and conduct an initial screening of up to fifteen (15) minutes.
- b. Panel members shall not be obligated to initiate contact with a client referred by NELARS, although they may do so. If a panel member initiates contact with a client referred by NELARS, he or she shall conduct an initial screening of up to fifteen (15) minutes.
- c. A client referred by NELARS shall not be charged any fee, either by the panel member or NELARS, for the initial screening.
- d. The initial screening may be conducted in person, by telephone, by videoconference, or by e-mail (but only by request of the client or with the client's consent).
- e. The purpose of the initial screening shall be for the panel member to ascertain the nature of the client's matter and need for legal services and, if appropriate, present the client with options for further consultation and/or representation.
- f. It will be in the panelist's discretion whether to discuss the specific facts of the client's matter, review documents, or give the client legal advice during the initial screening.
- g. After the initial screening, the panel member and the client may proceed with further screening and/or consultation, although neither shall be obligated to do so. Fees for any further

screening and/or consultation, if any, must be agreed to between the panel member and the client before the client is charged any fee. Fees for any further screening and/or consultation, if any, shall be included in the calculation of referral fees pursuant to rule 11.

11. Referral Fees

a. In the case of any matter referred by NELARS and any matters directly related thereto, where the aggregate fee received by the panel member is \$1,000.00 or more, the panel member shall pay to NELARS a referral fee equal to the following percentages of the aggregate fee received by the panel member:

Zero percent (0%) of the first one thousand dollars (\$1,000.00); plus
Five percent (5%) of the next nine thousand dollars (\$9,000.00); plus
Ten percent (10%) of the next forty thousand dollars (\$40,000.00); plus
Fifteen percent (15%) of the amount over fifty thousand dollars (\$50,000.00)

b. For the purpose of this rule, “matter referred by NELARS” shall include (i.) the initial matter referred and any related transaction, proceeding or action; and (ii) any other matter which involves the same subject matter as the initial referral, arises from the initial referral, and is undertaken within three (3) years of the date of NELARS’s referral or the initial retention, whichever is later.

c. Each panel member shall report and pay to NELARS any referral fees within thirty (30) days after receipt by the panel member of any portion of his or her fee, regardless of whether he or she has received any statement or request from NELARS. Referral fees that are not paid in accordance with this rule will be subject to a late fee at the rate of 9% per year, prorated on a daily basis beginning the day after the fee is due.

d. For the purposes of computing the amount owed to NELARS, in the case of a panel member who is associated with a firm or other group, the fee received by the panel member shall be deemed the gross amount received by the firm or group.

e. Each panel member agrees not to charge any additional fees or to increase his or her fee for the purpose of compensating for the amount due to NELARS under the percentage formula outlined above.

12. Reporting

a. Each panel member shall report the status of referrals from NELARS through his or her account on NELA/NY’s website or such other manner as shall be established from time to time by NELARS.

b. Each panel member shall update the status of all referrals, including referrals with whom he or she has had no contact, within thirty (30) days of the date of the referral, thirty (30) days of

the date of a change in status, or thirty (30) days of his or her receipt of a report, statement, or request from NELARS, whichever is earliest.

c. For matters referred by NELARS that involve litigation, each panel member shall report the caption, case or index number, and court within thirty (30) days of commencement of the litigation or within thirty (30) days of the panel member's appearance in the litigation, whichever is latest. NELARS may monitor court dockets for compliance with these rules, including but not limited to payment of referral fees based on settlements and judgments.

13. Recordkeeping

a. Each panel member shall keep detailed business records with respect to all matters referred to him or her by NELARS, including referral notices, contact reports, retainer agreements, and billing and payment records.

b. Each panel member shall make available for review or audit, upon request of NELARS made by a Chair of the NELARS Committee, the Executive Director, or a designee, all retainer agreements, billing and payment records, or copies thereof, as so requested by NELARS, related to NELARS or any matters or clients referred to the panel member by NELARS. Any such review or audit shall be conducted by the NELARS Committee, the Executive Director, or a designee.

14. Suspension and Termination of Panel Membership

a. Panel membership may be summarily suspended by NELARS as a result of a panel member's failure to comply with any of the following administrative requirements:

Timely and accurate completion and return of required documents, including, without limitation, reports and statements and business records requested for review or audit

Accurate record-keeping as to all matters referred by NELARS

Prompt and timely payment of fees due to NELARS

Prompt and timely submission of proof of current professional liability insurance

Prompt and timely submission of completed membership renewal applications and payment of dues and fees

b. A panel member who is suspended from the bar shall automatically be suspended from panel membership. A panel member who is disbarred shall automatically be terminated from panel membership. Panel membership may be suspended or terminated by NELARS if the panel member violates the Rules of Professional Conduct, is convicted of any misdemeanor or felony in any jurisdiction, fails to comply with any of these rules, or engages in conduct harmful or injurious to the goals, reputation, or interests of NELARS.

c. To monitor compliance with these rules, NELARS may consider, among other things, complaints or inquiries made to NELARS and surveys of prospective clients referred by NELARS. Any such complaint, inquiry, or response to a survey shall be deemed to be a privileged communication as if contained in a pleading filed in a court of the State of New York. No panel member shall commence or threaten to commence any libel, slander, interference with contractual relations or similar action based upon any such complaint, inquiry, or response to a survey.