

# Developments in Internet Legal Services

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**C**iting nine individual rules within the Rules of Professional Conduct and Gov.Bar R. XVI, the Board of Professional Conduct of the Supreme Court of Ohio issued [Advisory Opinion 2016-3](#) Lawyer Participation in Referral Services on June 3, 2016.

The Board concluded that:

*A lawyer's participation in an online, non-lawyer-owned legal referral service, where the lawyer is required to pay a "marketing fee" to a non-lawyer for each service completed for a client, is unethical. A lawyer must ensure that the lawyer referral service does not interfere with the lawyer's independent professional judgment under Prof.Cond.R. 5.4. A lawyer is responsible for the conduct of the non-lawyers of the service (Prof.Cond.R. 5.3), as well as the advertising and marketing provided by the service on the lawyer's behalf. Prof.Cond.R. 7.1, 7.2, 7.3. Additionally, a fee structure that is tied specifically to individual client representations that a lawyer completes or to the percentage of a fee is not permissible, unless the lawyer referral service is registered with the Supreme Court of Ohio. Prof.Cond.R. 1.5, Gov.Bar R. XVI.*

One such "non-lawyer-owed legal referral service," which has for years attempted to compete with local bar association (and, in some localities, state bar association) lawyer referral services, is Avvo. As Jason Tashea pointed out in an [article](#), Ohio is not alone in its ethical concerns: "Indiana, New Jersey, New York, Ohio, Pennsylvania, South Carolina and Utah have

all ruled that lawyers participating in for-profit referral services, like Avvo Legal Services, violate state professional rules."

When a lawyer registers with a non-lawyer-owned legal referral service, and therefore associates his or her name and professional reputation with the service, he or she naturally accepts certain liabilities. The non-lawyer managers of the service may engage in the unauthorized practice of law. The service is not registered with the Supreme Court of Ohio and may not meet its standards. The lawyer is expected to share "marketing fees" with non-lawyers. The company determines the type, scope, and cost of the representation. All these facts implicate professional conduct issues and state bars have cautioned lawyers not to participate in such services.

Interestingly, Avvo's new parent company (as of January 2018) Internet Brands announced this month in a [letter](#) to the North Carolina State Bar that it would discontinue Avvo legal services, effective July 31. The letter couches the decision within the context of an evaluation of what best fits within their business plan. The new owner advises the North Carolina State Bar Authorized Practice Committee that no ruling on the unauthorized practice of law is necessary because the unauthorized practice of which it is accused never occurred.

Internet Brands has determined that a company whose services eight state bars or supreme courts have found to be ethically dangerous

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for lawyers is not in line with their business plan. This means one less distraction from the superior way in which consumers find the right lawyer: the local county or metro bar association lawyer referral service.

A lawyer referral service must meet strict guidelines outlined in [Gov.Bar R. XVI](#) in order to qualify for registration with the Supreme Court. Attorneys must show proof of liability insurance, maintain an office within the service area of the LRIS for the convenience of the client, and demonstrate experience in the practice areas in which they want to receive referrals, among others. Additionally, a bar association LRIS is governed by a committee of lawyers who oversee operations and adherence to Supreme Court regulations. Locally, the Akron Bar LRIS provides an Acknowledgment of Understanding form for the attorney and client to agree to and sign. This form outlines the expectations regarding fee sharing with the Bar. All these safeguards make a bar association lawyer referral service a trustworthy environment in which lawyers can receive referrals to potential clients.

At the Akron Bar LRIS, we strive to obtain as much information about our attorney-panelists as possible: areas of expertise, courts to which

the attorneys is admitted, and other relevant factors which allow us to target callers to a lawyer who will understand the unique legal need presented to us. Our panels are comprised of lawyers who have proof of liability insurance and no pending grievances with the Board of Professional Conduct or criminal charges. The Akron Bar works to create a relationship of trust with both attorneys, who can feel secure that receiving referrals from the Bar will not tangle them in ethical conflicts, and with the public, who can be confident that the lawyers to whom we refer them will be experienced and qualified. We are always looking for new ways to tap into the latent legal market, increase community outreach, and improve our services to our members.

Whether you are facing the prospect of no longer receiving referrals from Avvo or have never ventured into the non-lawyer-managed internet legal marketplace as a means of building your client base, consider joining your local bar lawyer referral service. The Akron Bar LRIS is in compliance with the Supreme Court of Ohio and will work with you to grow your practice. It is the reliable choice and the superior means of connecting you with the people you have been trained to serve.