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## THE SOLICITOR/CLIENT RELATIONSHIP

With more than 3,000 referrals per month processed throughout British Columbia, the Lawyer Referral Service continues to be very active and promises to be increasingly so in the future.

As interest in the Lawyer Referral Service grows so will an increase in the risk of claims for professional negligence. Every member should take seriously the professional responsibility that he or she undertakes when dealing with a referral from the Lawyer Referral Service. Lawyer Referral calls should be treated in the same manner as any professional undertaking. A Lawyer Referral Service, like any other dealing with members of the public where instructions are given or accepted, raises the risk of a claim. Therefore the lawyer in all cases should avoid unnecessary exposure by exercise of acceptable professional standards, including keeping a proper record of any interview or other dealings with the Lawyer Referral Service client. It is very important to ascertain that the client is aware when his/her 30-minute consultation has reached its limit.

Keeping a proper record does not mean the lawyer must open a new file for every individual. However, we suggest lawyers first consider whether the referral raises an actual or potential conflict of interest. We suggest that lawyers maintain a separate general file designated for Lawyer Referral Service referrals and take notes so there is a record of at least the following information which is included on the attached interview sheet:

- name, address and telephone number(s) of the referred person
- date of the interview;
- nature of the problem(s) involved;
- any potential limitation date;
- substance of any conversation and advice given; and
- disposition of the matter.

In some cases it may be appropriate to confirm in writing the questions raised during the interview and the advice given.

After the initial interview the lawyer is free to decide whether he/she will accept instructions and open a file for the particular individual. If the lawyer decides not to take on the referral, the lawyer should advise the applicant to call back to the Lawyer Referral Service and ask to be referred either to another lawyer or a Pro Bono service.

The Lawyer Referral Advisory Committee is concerned that members avoid unnecessary exposure to claims and this particular concern is shared by the Benchers. Members will be expected to follow the procedures outlined above. Experienced members will agree this is sound practice and any additional time imposed in doing so will be negligible.

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/for the Lawyer Referral Service Advisory Committee