

Appendix C

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TIMOTHY P. CHINARIS
Attorney and Counselor
Post Office Box 210265
Montgomery, Alabama 36121

Phone (334) 386-7214
Fax (334) 386-7223

Admitted in Alabama,
Florida, and Texas* (*Inactive)

September 13, 2011

Via Priority Mail

Florida Bar Special Committee on Lawyer Referral Services
c/o Mr. Paul F. Hill
General Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Re: DVD of 411-Pain customers

Dear Chair Wells and Members of the Special Committee:

This letter and the enclosed DVD are submitted to the Committee on behalf of 1-800-411-PAIN Referral Service, LLC ("411-Pain"), which is a lawyer referral service under Florida Bar rules. I represent 411-Pain with regard to its advertising compliance matters.

The DVD contains videotaped interviews with five customers who used the lawyer referral service provided by 411-Pain and are satisfied with their experiences.

411-Pain is strongly committed to compliance with applicable laws and Bar rules. Unfortunately, not every lawyer referral service appears to share this commitment. Some individuals or entities may have engaged in improper solicitation while falsely identifying themselves as 411-Pain. 411-Pain has formally notified some suspected offenders to cease and desist. In other cases, 411-Pain has turned over information about the suspected offenders to law enforcement authorities. 411-Pain hopes that the Bar shares the desire to distinguish between complying and non-complying referral services and to enforce the rules against those that choose not to comply. This seems to be the position that Chair Wells referred to when he was quoted in the September issue of *Florida Trend* magazine: "It may well be that we will be looking at additional rules that govern not only advertising but professional behavior or looking at strengthening existing rules and enforcement mechanisms."

My earlier letters to the Committee offered suggestions for improvements to the Bar's compliance process. Below are some additional recommendations for Committee consideration.

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The Bar rules should be amended to strengthen the meaning and value of being a “registered referral service.” The Bar’s website should have a section dedicated to registered referral services. In order to be listed as a registered referral service, a service would have to comply with the requirements of Rule 4-7.10(a) and would have to meet three additional criteria: (1) it would pay a reasonable registration fee (which would cover the Bar’s costs of operating the program and website); (2) it would obtain the Bar’s approval for at least one ad; and (3) it would file a quarterly list with the Bar of all ads that it is running (the list would show the type of ad media, the Bar File Number of each ad, and the market in which the ad is being run).

This registered referral service plan would go a long way toward improving the Bar’s ability to enforce its rules, while at the same time protecting Bar members and the public. Attorneys who are thinking of joining a lawyer referral service could simply check the Bar’s website to see the list of registered services along with their approved ads. This would protect Bar members by helping them avoid joining a non-complying referral service. In turn, the public will be better served.

Thank you for your consideration.

Sincerely,

Timothy P. Chinaris

cc: Ms. Kathy J. Bible, Advertising Counsel
Ms. Elizabeth Clark Tarbert, Ethics Counsel
Dr. Robert Lewin (w/out encl.)
Mr. Lester Perling (w/out encl.)