



The SCLA Standard for International Legal Referrals

Preamble

Globally, the need for transparency in international legal collaborations is greater than ever. To create an international legal industry ever more characterised by fair play and collegiality, international legal referrals must be conducted with ever-greater trust and efficiency.

Recognising the lack of common, globally recognised conduct for international legal referrals, SCLA has written the following standard and commends it to the legal community as a minimum hallmark of a quality service. For any professional in the international legal industry, the standard is a benchmark to which all parties to a referral can hold to as a shared principle.

When the standard is applied, each person involved in an international referral process will be properly respected and informed, so that all colleagues can work closely with each other at any time, smoothly and on a level playing field.

Adherents to this voluntary standard will gain a reputation of being colleagues who respect the contributions of every professional involved in an international referral procedure.

When a lawyer makes a referral clients are not merely passed from one firm to another; the lawyer is passing on the trust their clients have for them to a colleague. To maintain this trust, rules, standards, and procedures should be above-board and applied consistently and fairly. With this basic understanding, international legal collaboration can flourish.

Equally, behind every good referral lies significant effort. Referrers might build a network of reliable contacts over decades and need time to match a recommendation to clients' needs.

From a client's perspective, a referral should involve clarity and speed, ensuring that they receive the relevant information on their new lawyer and a swift transition.

By agreeing to apply this standard, lawyers around the globe will find a mutual ground for conducting frictionless and amicable referrals. Using them is a sign of joining in the principles and practice of what SCLA calls a more trusting and collaborative legal world.



The Standard

1. Best Practice

- 1.1. All parties shall respect the time of each other party during the referral process;
- 1.2. During the referral process, the referrer's contribution shall be compensated based on either their regular legal service fee, or a share of the referee's final fee, or an alternative agreement between all parties involved. (See 3.1.)

2. A Successful Referral Procedure

- 2.1. The referral procedure should be transparent while respecting clients' privacy.
 - 2.1.1. The referrer should provide the referee with:
 - 2.1.1.1. A clear description of the jurisdiction, the nature of the case and its areas of practise, the stage the case is currently in, and the possible expected outcome of the case;
 - 2.1.1.2. A clear explanation of the source of the client; who the client is and how the referrer came to work with them, the referrer's previous working experience with the client, and whether there is anything of which to take special notice regarding the client;
 - 2.1.1.3. A clear instruction of how to proceed, such as the necessary documents to be provided by the referee;
 - 2.1.1.4. A timeframe within which to respond to the referral, and the information as to whether the enquiry is exclusive to the designated referee.
 - 2.1.2. The referrer should give the client:
 - 2.1.2.1. A clear indication of the reliability of the referred lawyer or law firm to the client, for example:
 - 2.1.2.1.1. Whether there have been any previous working relationships between the referrer and the referee;
 - 2.1.2.1.2. The source of the referee;
 - 2.1.2.1.3. Existing comments from peers about the referee.
 - 2.1.3. On regular issues, the referrer should give the referee:
 - 2.1.3.1. A reply in three working days regarding whether they wish to take on the case.
 - 2.1.4. The referee should:



- 2.1.4.1. Retain the client's confidentiality and any confidential aspects of the case at all times;
 - 2.1.4.2. Produce timely initial check for conflicts of interest (if possible);
 - 2.1.4.3. After an initial analysis, give a clear positive or negative response to the referrer regarding whether they will proceed with the matter;
 - 2.1.4.4. Produce a quotation for the services at the rate of the lawyers who will work on the case (or a blended hourly rate); Or, alternatively, a capped fee for the relevant service;
 - 2.1.4.5. Periodically report to the referrer for updates on the case (while retaining the confidentiality and the client-lawyer privilege).
- 2.1.5. The client should:
 - 2.1.5.1. Confirm their preference regarding the referral in a professional and timely response, to help a better working relationship between the referrer and the referee.
- 2.1.6. Meetings
 - 2.1.6.1. A three-party meeting between the client, referrer, and referee should take place after the referral, to better understand the client;
 - 2.1.6.2. During or after this meeting, the referrer should enquire with the client whether the client still wishes to keep the referrer in the loop of the future coordination;
 - 2.1.6.3. The referrer may, at their discretion, withdraw from the coordination at any time;
 - 2.1.6.4. Unless otherwise stated, the referrer should notify the client that the referrer exempts any responsibility over any actions between the client and the referees.
- 2.2. In cases managed by SCLA, SCLA and its management team may conduct periodic surveys of client satisfaction.
- 3. Compensation
 - 3.1. If the referrer's time receives compensation, this shall come from either from the client or the referee, but not both.
 - 3.1.1. If this is received from the client, it shall be considered a service charge based on a mutual arrangement between the client and the referrer.
 - 3.1.2. If this is received from the referee, the referrer and referee shall agree upon one of two compensation models:



- 3.1.2.1. Either, the add-up model, where the referrer will add the cost of the referral as a separate addition to the referee's legal service fee. This cost will be billed to the client. In this situation, there shall be a proper agreement between the client and the referrer covering the potentiality of such fees. Under this model, the service provided by the referrer shall be considered a legal management service. The bill from the referee to the client shall be sent as normal as per the referee's ordinary rate;
- 3.1.2.2. Or, the reward-based model, where the referee will make a voluntary donation to the referrer based on a share of the service fee received by the referee from the client.
 - 3.1.2.2.1. If this model is chosen the referee shall not charge the client above their ordinary rate;
 - 3.1.2.2.2. The share of the service fee donated to the referrer shall be fifteen percent.
- 3.2. SCLA accepts and welcomes both compensation models for referrals.