

Intermediary Connecting Services Proposal of the Attorney Registration and Disciplinary Commission

Released for Comments on February 3, 2020

Executive Summary and Call for Comments

The ARDC invites you to review and to provide comment on its Intermediary Connecting Services Proposal, a red-lined version of which is attached. You may email your comments to information@iadc.org.

In April 2017, the ARDC began its study into market inefficiencies, in which potential clients often do not consider lawyer services for matters when they could benefit from obtaining legal assistance, and in which lawyers do not obtain the benefit of those opportunities. The ARDC launched its study because of (1) the proliferation of services in the market that connect lawyers to potential clients, referred in the proposal as “intermediary connecting services,” (2) the ambiguity and uncertainty in the Rules of Professional Conduct of whether lawyers may participate in those services, (3) organized bar reports discussing the future of the legal profession and academic studies discussing the public’s access to legal services and the market inefficiencies, and (4) states issuing opinions prohibiting their lawyers from participating in emerging forms of intermediary services. Since the study’s inception, the ARDC has also examined regulatory issues that may arise from a lawyer’s participation in for-profit intermediary connecting services and from a lawyer paying that service a fee for every connection that results in the lawyer being hired. On December, 3, 2019, the Court issued a [directive](#), directing the ARDC, in part, to publish its proposal for public comment.

The proposed regulations are a step toward addressing the market inefficiencies, the uncertainty in the Rules of Professional Conduct that may discourage lawyers from expanding their advertising capabilities, and the longstanding concern that for-profit nonlawyers may seek to control or influence a lawyer’s judgment or the attorney-client relationship. It is a balanced, marketplace-based regulatory approach—broad enough to encompass for-profit services connecting a lawyer to a potential client and to allow room for those services to innovate, while prohibiting operations that use deceptive and high-pressure tactics.

The ARDC’s proposal seeks to:

- (1) Amend Rule of Professional Conduct 7.2. Proposed amendments to Rule 7.2 would guide Illinois lawyers in their participation and payments to intermediary connecting services. Lawyers would be permitted to participate only in those services that maintain an active registration with the ARDC, provided that certain conditions are met, including that the fees of the service and the lawyer are not contingent on the outcome of matter, the lawyer makes certain disclosures to the client, and the lawyer does not permit the intermediary connecting service to interfere with the lawyer-client relationship or with the lawyer’s professional judgment.

- (2) Amend Supreme Court Rule 730. Proposed amendments to Rule 730 would create a registration and regulatory framework to protect the legal profession and the public. Intermediary connecting services would have to satisfy certain eligibility requirements in registering with the ARDC. In light of the longstanding concern of for-profit nonlawyer interference with or control over lawyers, registered intermediary connecting services would have to adhere to certain minimum ethical and business standards. These would include not interfering with or controlling a lawyer's representation or judgment, not charging or collecting a fee that is calculated or expressed as a percentage of the lawyer's anticipated or actual legal fees, and not holding or placing restrictions on a lawyer's legal fee.
- (3) Add Supreme Court Rule 220. This new rule would extend the attorney-client privilege and Rule of Professional Conduct 1.6(a) protection to communications between potential clients and a broad swath of lawyer-client connecting services for the purposes of seeking legal representation or legal services.

By expanding the availability of additional marketing tools and implementing a registration and regulatory framework, the proposed regulations and rules seek to encourage more lawyer-client interactions and innovative approaches to advertising legal services and connecting lawyers. The ARDC has taken steps at each juncture and iteration of the proposal to verify that the proposed regulations and amendments comport with established constitutional doctrines and other federal law.

The ARDC's proposal is divided into three sections:

Section I, beginning at page 4: Proposed Amendments to Rule of Professional Conduct 7.2;

Section II, beginning at page 7: Proposed Amendments Supreme Court Rule 730; and

Section III, beginning at page 14: Proposed Supreme Court Rule 220.

The ARDC has also provided [companion materials](#), located on the ARDC's website, that provide a detailed discussion of the proposal and an analysis of how the proposed regulations comport with First Amendment and other Constitutional doctrines. A link to the documents explaining the proposed amendments are also provided at the beginning of each section below.

The ARDC seeks your comment on its proposal. The ARDC encourages you to examine and reflect on the proposal. The ARDC looks forward to general comments, or comments pertaining to a specific section of the proposal or to the companion documents. The ARDC also invites you to consider and, if possible, respond to the following: (1) how are the market inefficiencies affecting your practice or the practice of others; (2) are there benefits or risks to your practice of using a connecting service, and are those addressed in the proposal; (3)

do you have any data, information, experience, or view of how the proposed framework could stimulate the lawyer-client connecting market? This can include your experiences (and impact on your practice) in participating in connecting services, such as lead generators.

Please direct your comments to information@iadc.org. If you are commenting on a specific section of the proposal or companion materials, please indicate which in your comment.

Comments will be welcome through April 3, 2020.

Thank you.

Section I of the ARDC's Intermediary Connecting Services Proposal
Explanation of Proposed Amendments to Rule of Professional Conduct 7.2

Proposed RULE 7.2: ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.

~~(b)~~ A lawyer shall not offer the lawyer's services, or accept a connection of a potential client, through an intermediary connecting service, defined in Supreme Court Rule 730, if

(1) the lawyer knows or reasonably should know that the intermediary connecting service does not maintain active registration with the Attorney Registration and Disciplinary Commission pursuant to Supreme Court Rule 730,

(2) the intermediary connecting service requests or requires the lawyer to act in violation of the Illinois Rules of Professional Conduct, or

(3) the lawyer's participation in the intermediary connecting service or the lawyer's acceptance of the connection otherwise violates the Illinois Rules of Professional Conduct.

~~(b)~~(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;

(2) pay the usual charges of ~~a legal service plan or~~ a not-for-profit referral service;

(3) pay the usual charges of a registered intermediary connecting service, including a reasonable connecting fee for every connection that results in a potential client hiring the lawyer for the lawyer's services offered through the intermediary connecting service, if

(i) The charges or fees of the intermediary connecting service and of the lawyer are not contingent on the outcome of the matter,

(ii) The connecting fee charged or collected by the intermediary connecting service is not calculated or expressed as a percentage of the lawyer's anticipated or actual legal fees,

(iii) The intermediary connecting service connected the lawyer with the potential client based upon the connection criteria identified by the lawyer;

(iv) Before or within a reasonable time after commencing the representation, the lawyer informs the client in writing, including by electronic means, of the relationship between the lawyer and the intermediary connecting service, the basis or rate of the fees and expenses for which the client will be responsible, and any connecting fee the lawyer has paid or is required to pay to the intermediary connecting service, and

(v) The lawyer does not permit the intermediary connecting service to interfere with the lawyer-client relationship or with the lawyer's exercise of professional judgment regarding the client matter.

~~(3)~~(4) pay for a law practice in accordance with Rule 1.17; and

~~(4)~~(5) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

(i) the reciprocal referral agreement is not exclusive, and

(ii) the client is informed of the existence and nature of the agreement.

~~(e)~~(d) Any communication made pursuant to this Rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

Comment

Paying Others to Recommend a Lawyer

[5] Except as permitted under paragraphs ~~(b)(1)-(b)(4)(c)(1)-(c)(5)~~, lawyers are not permitted to pay others for recommending the lawyer's services or for channeling professional work in a manner that violates Rule 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. ~~Paragraph (b)(1)~~Paragraph (c)(1), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client development services, such as publicists, public-relations personnel, business-development staff and website designers. Moreover, a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with Rule 7.1 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See also Rule 5.3 for the duties of lawyers and law firms with respect to the conduct of nonlawyers; Rule 8.4(a) for the duty to avoid violating the Rules through the acts of another.

[6] A lawyer may pay the usual charges of a legal service plan—~~or~~, a not-for-profit lawyer referral service, or an intermediary connecting service registered pursuant to Supreme Court Rule 730. A legal service plan is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation. A lawyer referral service, on the other hand, is any organization that holds itself out to the public as a lawyer referral service. Such referral services are understood by the public to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. Consequently, this Rule only permits a lawyer to pay the usual charges of a not-for-profit lawyer referral service—~~or~~, or an intermediary connecting service registered pursuant to Supreme Court Rule 730. Payment of a connecting fee pursuant to Rule 7.2(c)(3) does not constitute fee-splitting under Rule 5.4(a).

[7] A lawyer who accepts assignments or referrals from a legal service plan—~~or~~, referrals from a lawyer referral service, or connections from a registered intermediary connecting service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal service plans—~~and~~, lawyer referral services, and registered intermediary connecting services may communicate with the public, but such communication must be in conformity with these Rules. Thus, advertising must not be false

or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public to think that it was a lawyer referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.

Section II of the ARDC's Intermediary Connecting Services Proposal
Explanation of Proposed Amendments to Supreme Court Rule 730

Proposed Rule 730. ~~Group Legal Services Intermediary Connecting Services~~

No Illinois attorney shall participate in an intermediary connecting service plan which provides group legal services in this State unless the plan intermediary connecting service has been registered as hereinafter set forth:

~~(a) The plan shall be registered in the office of the Administrator of the Attorney Registration and Disciplinary Commission within 15 days of the effective date of the plan on forms supplied by the Administrator.~~

~~(b) Amendments to any plan for group legal services and to any other documents required to be filed upon registration of a plan, made subsequent to the registration of the plan, shall be filed in the office of the Administrator no later than 30 days after the adoption of the amendment.~~

~~(c) The Administrator shall maintain an index of the plans registered pursuant to this rule. All documents filed in compliance with this rule shall be deemed public documents and shall be available for public inspection during normal business hours.~~

~~(d) Neither the Commission nor the Administrator shall approve or disapprove of any plan for group legal services or render any legal opinion regarding any plan. The registration of any plan under this rule shall not be construed to indicate approval or disapproval of the plan.~~

~~(e) Plans existing on the effective date of this order shall be registered on or before June 1, 1977.~~

~~(f) Subsequent to initial registration, all such plans shall be registered annually on or before July 1 on forms supplied by the Administrator. Plans initially registered prior to July 1, 1977, need not be registered again until July 1, 1978.~~

I. Applicability

~~(a) An "intermediary connecting service" is a lawyer directory, network, matchmaking service, bidding site, question & answer site, prepaid or group legal services plan, or similar marketplace the business or activities of which include: (1) the connecting of its users, customers, members, or beneficiaries to participating lawyers for the performance of legal services in Illinois; or (2) an organization's users, customers, members, or beneficiaries paying for or receiving legal services from participating lawyers in matters for which the organization does not bear ultimate responsibility. For purposes of this rule, "participating lawyer" means a lawyer licensed or authorized to practice law in Illinois who uses the service to offer or render their legal services.~~

~~(b) The definition of "intermediary connecting service" does not apply to:~~

~~(1) individual lawyer-to-lawyer referrals;~~

(2) reciprocal lawyer-to-lawyer or lawyer-to-nonlawyer professional referrals;

(3) a bar association-operated or legal aid organization-operated referral service, lawyer marketplace or directory, or similar service that connects potential clients to lawyers; or

(4) a tribunal appointing or assigning lawyers to represent parties before the tribunal or a government agency performing such functions on behalf of a tribunal.

(c) The following are exempt from the registration fee requirements, and from Section II paragraphs (d) and (i):

(1) Prepaid or group legal services that are provided by an employee welfare benefit plan as defined by the Employee Retirement Income Security Act of 1974.

II. Registration and Reporting

(a) Initial Registration. At least 90 days prior to commencing operation, the intermediary connecting service shall be registered in the office of the Administrator of the Attorney Registration and Disciplinary Commission. The intermediary connecting service must file an initial registration application with the Administrator, using forms provided by the Administrator, and must pay a fee of \$1,000 to the Administrator.

(1) The initial registration application shall be in writing signed by an authorized officer or representative of the intermediary connecting service, and shall set forth or be accompanied by the following:

(i) The name and street address of the corporation, association, limited liability company, registered limited liability partnership, or plan.

(ii) The statute or law under which it is formed, or a copy of the most recent certificate of good standing, certificate of existence/authorization or similar document.

(iii) A copy of the intermediary connecting service's basic organizational document, including the articles of incorporation, articles of association, articles of organization, operating agreement, partnership agreement, trust agreement, or other organizational document, and all amendments, addenda, or exhibits to any such document.

(iv) A copy of all bylaws, rules, regulations, or similar documents, if any, regulating the conduct of the intermediary connecting service.

(v) A description of the intermediary connecting service's method for connecting participating lawyers to potential clients.

(vi) A description of the intermediary connecting service’s method of, and criteria for, rating and reviewing participating lawyers, and whether participating lawyers have the opportunity to dispute ratings and reviews.

(vii) A description of the intermediary connecting service’s marketing efforts to lawyers and the public.

(viii) The names and addresses and official positions of, and biographical information concerning any individuals who are responsible for conducting the intermediary connecting service’s affairs, any individuals or entities that have an ownership interest in the intermediary connecting service, and, if applicable, the plan administrator and principal or sponsor.

(ix) A list of other jurisdictions in which the intermediary connecting service is operating or has operated, or is registered or has registered to operate in accordance with that jurisdiction’s rules, along with the status of the intermediary connecting service and its registration in the other jurisdiction. For purposes of this rule, “other jurisdiction” is defined as the District of Columbia; a country other than the United States; a state, province, territory, or commonwealth of the United States or another country.

(x) A signed statement by an individual responsible for the affairs of the intermediary connecting service, designating that individual as the agent of and principal contact for the service.

(xi) Such other information and documents as the Court may from time to time require.

(2) Intermediary connecting services existing on the effective date of this rule shall be registered on or before _____.

(b) Roll of Registered Intermediary Connecting Services. The Administrator shall maintain a roll of the intermediary connecting services registered pursuant to this rule.

(c) Annual Registration. Subsequent to initial registration, an intermediary connecting service shall be registered annually on or before the first day of November on forms supplied by the Administrator. As part of the annual registration, the intermediary connecting service must provide to the Administrator a copy of the service’s financial records for the prior year, showing the total revenue generated from its connecting fees. Failure to receive notice of annual registration shall not constitute an excuse for the failure to register. On or before the first day of November of each year, the intermediary connecting service shall:

(1) Pay a fee of \$1,000 to the Administrator; and

(2) Remit to the Administrator 0.25% of the service’s total revenue of the prior year that was generated from the service’s connecting fees.

(d) Use of Registration Fees and Access to Justice.

(1) The Attorney Registration and Disciplinary Commission shall retain the fees received under Section II paragraphs (a) and (c)(1) and Section III paragraph (b) to fund its expenses to administer this rule.

(2) At the direction of the Court, the Attorney Registration and Disciplinary Commission shall remit the funds received under Section II paragraph (c)(2) to an access to justice program or entity that the Court designates.

(e) Denial of Registration. The Administrator of the Attorney Registration and Disciplinary Commission may conduct an inquiry into the initial registration application and annual registration documents. If the Administrator determines that the service does not meet the definition of “intermediary connecting service,” has not provided complete information, has provided false information, or has otherwise failed to satisfy the registration requirements, the Administrator may deny the registration. If the Administrator denies the registration, the Administrator shall inform the service’s agent and explain the basis for the denial. Upon notice that the registration has been denied, the service may resubmit an amended registration application or amended annual registration documents, or seek review by the Court upon motion. The denial of registration shall not be a bar to revocation or disciplinary proceedings arising from the facts upon which the denial is based.

(f) Refusal to Register. The Administrator may refuse to register an intermediary connecting service under this rule if any individual listed pursuant to paragraph (a)(1)(viii) or other persons or entities associated with the intermediary connecting service were associated with an intermediary connecting service that was disciplined in this state or other jurisdiction or whose registration was revoked in this state or pursuant to the equivalent of the this rule in another jurisdiction.

(g) Registration is Not Endorsement. The registration of any intermediary connecting service under this rule shall not be construed to indicate that the ARDC endorses or rates the service.

(h) Reporting Requirements.

(1) A registered intermediary connecting service whose registration has been revoked, or who has been disciplined, by any body other than the Illinois Attorney Registration and Disciplinary Commission shall report that fact to the Commission.

(2) A registered intermediary connecting service shall maintain, for a period of not less than seven years, and shall provide to the Administrator upon request, records for each participating lawyer, including:

(i) the lawyer’s name and contact information;

(ii) the number and type of connections made involving the lawyer; and

(iii) any financial transactions with the lawyer.

(3) Amendments or changes to a registered intermediary connecting service or to any document required to be filed upon registration of the service or made subsequent to the registration of the service, shall be filed with the Administrator no later than 30 days after enactment of the change or the adoption of the amendment.

(i) **Compliance.** As part of the initial registration, and as part of each subsequent annual registration, the intermediary connecting service shall certify that it complies with all of the following requirements:

(1) The intermediary connecting service meets the definition of “intermediary connecting service.”

(2) If the intermediary connecting service is operating in another jurisdiction, the other jurisdiction has not disciplined the service or has not revoked its registration in that jurisdiction.

(3) The intermediary connecting service is not the participating lawyer’s client.

(4) Any funds the potential client pays to secure a participating lawyer’s services as a fixed or flat fee or to secure payment of legal fees and expenses are governed by the Illinois Rules of Professional Conduct and shall not be held by the intermediary connecting service. The intermediary connecting service shall not place any condition or restriction on a participating lawyer’s receipt or retention of any fixed fee, flat fee, or earned fee for the lawyer’s services.

(5) The intermediary connecting service shall:

(i) be open to all lawyers licensed or authorized to practice law in Illinois and in good standing;

(ii) take reasonable steps to verify that all lawyers that offer to provide or do provide legal services in Illinois through the intermediary connecting service are licensed or authorized to practice law in Illinois and in good standing, and to discontinue association with those who are not licensed or not authorized to practice law in Illinois;

(iii) prominently inform potential clients that additional information about a participating lawyer, including whether the lawyer has malpractice coverage, can be found at www.iardc.org, the website for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois;

(iv) connect a participating lawyer with a potential client through the service based upon the lawyer’s identified connection criteria, such as area of law, geographical area,

fee range, and whether the lawyer would be willing to be connected with a potential client for criteria for which no other participating lawyer is listed;

(v) make its rating criteria of participating lawyers publically available and readily accessible;

(vi) disclose whether a participating lawyer has paid a fee in connection with the lawyer's comparative advertising, ratings, reviews, or rankings in the service;

(vii) disclose or permit a participating lawyer to disclose the basis or rate of the lawyer's fee;

(6) The intermediary connecting service shall not:

(i) interfere with or attempt to interfere with the attorney-client relationship between participating lawyers and their clients or with the independent professional judgment of its participating lawyers regarding their clients' legal matters;

(ii) request or require that a participating lawyer violate the Illinois Rules of Professional Conduct, or engage in conduct that would violate those rules if engaged in by a lawyer;

(iii) be owned or controlled by any participating lawyer, a law firm with which a participating lawyer is associated, or a lawyer with whom a participating lawyer is associated in a firm;

(iv) provide legal advice or legal services to a potential client, or otherwise engage in the unauthorized practice of law;

(v) make any false or misleading statement about the intermediary connecting service, its services, participating lawyers, or participating lawyers' fees or services provided;

(vi) list, charge or collect a fee a participating lawyer is to pay the intermediary connecting service, in accordance with Rule 7.2(c)(3), calculated or expressed as a percentage of the lawyer's actual or anticipated legal fee;

(vii) state, imply, or create a reasonable impression that the intermediary connecting service refers or recommends a participating lawyer, except that the service may permit reviews and ratings of participating lawyers, and the service may offer a list of participating lawyers based upon a user-defined search from which the potential client can select an attorney;

(viii) during or after termination of the participating lawyer's relationship with the intermediary connecting service, restrict the right of the lawyer to practice, except as otherwise provided in this rule, or as Rules of Professional Conduct or other law would permit; and

(ix) except as otherwise provided in Illinois Rule of Professional Conduct 7.3(d), solicit employment for its participating lawyers by in-person, live telephone, or real-time electronic contact with a person who has not initiated the contact if a significant motive for the solicitation is the pecuniary gain of the intermediary connecting service or participating lawyers.

(j) **Public Documents.** All documents filed in compliance with Section II, paragraphs (a)(1)(i), (ii), (iii), and (ix), and all documents filed to update the information in those paragraphs are considered public documents and shall be available for public inspection during normal business hours.

III. Removal of an Intermediary Connecting Service From The Roll

(a) On or after the first day of April of each year, the Administrator shall remove from the roll of registered intermediary connecting services the name of any intermediary connecting service that has not registered for that year. An intermediary connecting service will be deemed not registered for the year if it has not paid all required fees, has not provided all required information, or has not provided the statement of compliance as set forth in Section II, paragraph (i) of this rule.

(b) An intermediary connecting service that has been removed from the roll solely for the failure to register and pay all required fees may be reinstated to the roll as a matter of course upon registering and paying all required fees prescribed for the period of its suspension from the roll, plus the sum of \$75 per month for each month that any required fee is delinquent.

IV. Discipline of an Intermediary Connecting Service

(a) An intermediary connecting service registered under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as lawyers licensed to practice law in this state.

(b) If the Administrator has reason to believe that (1) a registered intermediary connecting service is violating or has violated the requirements as provided in Section II, paragraph (i) of this rule, or (2) another jurisdiction has disciplined a registered intermediary connecting service or has revoked its registration in that jurisdiction, the Administrator may initiate disciplinary investigations and proceedings against the service in the same manner as disciplinary investigations and proceedings may be instituted against a lawyer.

(c) Conduct of a registered intermediary connecting service that violates the requirements as provided in Section II, paragraph (i) of this rule shall be grounds for discipline. Discipline may be those listed in Supreme Court Rule 770 or revocation of the intermediary connecting service's registration.

Section III of the ARDC’s Intermediary Connecting Services Proposal
Explanation of Proposed Supreme Court Rule 220

Proposed Rule 220 Protections of Communications with Lawyer-Client Connecting Services

(a) Privilege. Communications between a potential client and a lawyer-client connecting service for the purposes of (1) seeking or obtaining a connection with a lawyer participating in the service for the rendition of legal services, or (2) for the lawyer-client connecting service to facilitate the rendition of legal services by a lawyer participating in the service, are confidential communications subject to the attorney-client privilege. The mere fact that potential adversaries have communicated with the same lawyer-client connecting service does not vitiate the attorney-client privilege.

(b) Confidentiality. Information contained in communications between a potential client and a lawyer-client connecting service for the purposes listed in paragraph (a) shall be considered information relating to the representation of a client for the purposes of the Rules of Professional Conduct.

(c) Terminology.

(1) “Potential client” means a user, customer, member, beneficiary, or their agent, of a lawyer-client connecting service.

(2) “Lawyer-client connecting service” means (i) an intermediary connecting service defined in Rule 730, (ii) a lead generator, (iii) a legal service plan, or (iv) a lawyer referral service, marketplace or directory, or a similar service operated by a bar association or legal aid organization.