

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-175
Issued: November 1977

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.

Question: Following X's disbarment by the Supreme Court, may Y enter into an agreement to purchase X's practice in which Y pays X a percentage of the income Y derives from services performed for X's former clients?

Answer: No.

References: Canon 34; DR 3-102; RAP 3.390; ABA Informal Opinion 628 (1962); KBA Informal Opinion 33(3) (1976)

OPINION

After X's disbarment by the Supreme Court, X is considered a layman. An attorney may not divide fees for legal services with a layman. A division of fees is proper only with another lawyer based on a division of service or responsibility.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.