

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-312
Issued: August 1986

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>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question: May a Kentucky attorney participate in, and promote, a pre-paid legal services plan?

Answer: Qualified yes.

References: SCR 3.476

OPINION

A number of attorneys have asked if they may provide legal services pursuant to a pre-paid legal services plan, and/or promote or sell such plans and programs to their clients. In addition, several pre-paid legal services companies have sought "approval" of their product from the Committee.

A member of the Kentucky Bar Association may furnish legal services to a member of a pre-paid legal services plan only if the plan complies with the requirements of SCR 3.476, and no promotional activities concerning the plan may be conducted except as permitted by SCR 3.476(d) and SCR 3.135 (now Rules 7.01-7.60).

The Ethics Committee is not in a position to, or authorized to, provide legal advice and drafting services to managers and owners of such plans regarding their compliance with SCR 3.476, nor are we the appropriate agency to comment on the "quality" of their "product" or their compliance with SCR 3.135. Nor are we the appropriate body to which to address complaints regarding the restrictive nature of SCR 3.135 (now Rules 7.01-7.60) or proposals for amendment of the rule.

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.