

**KENTUCKY BAR ASSOCIATION
RULES OF THE SUPREME COURT OF KENTUCKY**

PRACTICE OF LAW

SCR 3.130(7.03) Advisory opinions

(1) A lawyer may request an advisory opinion by the Commission. Such request shall be in writing and shall be accompanied by a filing fee of \$75.00. Within 30 days after such request is received, the Commission shall issue its advisory opinion as to the compliance of the advertisement with the Advertising Rules and Advertising Regulations. If the Commission finds that the advertisement does not comply with the requirements of the Advertising Rules or the Advertising Regulations, the Commission, or its designee, shall issue an advisory letter setting forth the factual and legal basis for the opinion. The lawyer may submit a corrected advertisement that conforms to the advice in the advisory letter with no additional fee required.

(2) For any advertisement submitted pursuant to SCR 3.130(7.03)(1), the lawyer shall mail or deliver to the Commission, c/o the Director of the Kentucky Bar Association, 3 copies of the advertisement. If the advertisement is to be published by broadcast media, including radio or television, a fair and accurate representation of the advertisement plus 3 copies of a typed transcript of the words spoken shall be submitted. Website advertisements that do not qualify for submission without a fee must be submitted in electronic format on a data disc in PDF (Portable Document Format), or other such data storage media as the Commission may designate by regulation. Three (3) copies of the data disc should be mailed or delivered to the Commission, c/o the Director of the Kentucky Bar Association. A filing fee of \$75.00 for each advertisement filed under this subsection shall accompany each submission. Additionally, advertisements of more than 100 pages, or longer than 10 minutes of video or audio, will require a supplemental fee of \$100.00. The fair and accurate representation of a broadcast media advertisement shall include 3 copies of a video cassette (VHS), digital video disc (DVD), or audio cassette plus 3 copies of a typed transcript of the advertisement.

(3) If a lawyer has received an advisory opinion that an advertisement complies with the Advertising Rules and Advertising Regulations, that lawyer shall not be disciplined for any use of that advertisement, unless an advertisement is false, misleading or deceptive, or information provided to the Commission in connection with the submission is false, misleading or deceptive after the Commission has issued its advisory opinion.

HISTORY: Adopted by Order 2015-20, eff. 1-1-16