

Rule 6.3: Membership in Legal Services Organization

1. Current Kentucky Rule with Official Comments:

SCR 3.130(6.3) Membership in legal services organization

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:

(a) If participating in the decision would be incompatible with the lawyer's obligations to a client under Rule 1.7; or

(b) Where the decision could have a material adverse effect on the representation of a client who will be served by lawyers provided by the organization whose interests are adverse to a client of the lawyer.

Supreme Court Commentary

[1] Lawyers should be encouraged to support and participate in legal service organizations. A lawyer who is an officer or a member of such an organization does not thereby have a client-lawyer relationship with persons served by the organization. However, there is potential conflict between the interests of such persons and the interests of the lawyer's clients. If the possibility of such conflict disqualified a lawyer from serving on the board of a legal services organization, the profession's involvement in such organizations would be severely curtailed.

[2] It may be necessary in appropriate cases to reassure a client of the organization that the representation will not be affected by conflicting loyalties of a member of the board. Established, written policies in this respect can enhance the credibility of such assurances.

2. Proposed Kentucky Rule with Official Comments:

No change is recommended to the current Rule 6.3 other than to change the caption Supreme Court Commentary to Comment.

3. Discussion and Explanation of Recommendation:

a. Comparison of proposed Kentucky Rule with its counterpart ABA Model Rule.

The Commission made no changes to this Rule. The Committee similarly recommends no changes to the current Kentucky Rule except changing the caption Supreme Court Commentary to Comment.

b. Detailed discussion of reason for variance from ABA Model Rule (if any).

Not applicable.

Committee proposal adopted without change. Order 2009-05, eff 7-15-09.