

KENTUCKY BAR ASSOCIATION

GUIDELINES FOR ETHICS COMMITTEE MEMBERS OF THE HOTLINE

1. Supreme Court Rule 3.530(2) provides, in general, that "Any attorney licensed in Kentucky ..., who is in doubt as to the ethical propriety of any professional act contemplated by that attorney may request an informal opinion." Further, the Rule provides that "Ordinarily, the request shall be directed to a member of the requestor's Supreme Court district."
2. In order to create an orderly process to respond to requests for advice and to avoid requesting attorneys from "shopping" their question(s) among Supreme Court District Members (hereinafter "District Member"), the Ethics Committee has determined that the adoption of these guidelines is appropriate as it is believed that these guidelines are necessary for the fair and expeditious processing of attorney requests for advice regarding their professional conduct.
3. District Members should confirm with a requesting attorney that the requesting attorney has not contacted nor conferred with another District Member regarding the subject matter of the requesting attorney's request, and that the requesting attorney's request pertains to "a professional act contemplated by" the requesting attorney within the meaning of SCR 3.530(2).
4. District Members should encourage requesting attorneys to contact District Members from the requesting attorney's Supreme Court District unless: (a) none of the District Members in the requesting attorney's Supreme Court District are available to respond in an appropriate timeframe; (b) all the District Members in such District have a conflict of interest; or (c) the District Member or the Ethics Committee chair recommends the referral to a District Member outside of the requesting attorney's District.
5. District Members should endeavor to be diligent and responsive to requests for advice and, if the District Member is not reasonably available to provide a response within a time frame that is appropriate for the requesting attorney's circumstances the District Member should advise the requesting attorney to contact another District Member.
6. Communications between a requesting attorney and a District Member shall demonstrate a sense of collegiality, respect for the legal process and attainment of higher standards of profession conduct. Further, all such communication shall be treated as confidential. It is expected that from time-to-time a District Member will want to receive the benefit of advice from another District Member or non-District Members who have a degree of experience outside the realm of the District Member's own experience; therefore, these guidelines do not restrict a District Member from soliciting such advice as long as the requesting attorney's identity, and the subject matter is maintained on a confidential basis.
7. A District Member who receives a request for advice and determines that the District Member has a conflict of interest in the matter shall maintain such communication confidential and notify the requesting attorney to solicit advice from another District Member.
8. These Guidelines do not establish a disciplinary code nor are they to be construed as a legal standard for District Members. Rather, these Guidelines are established as a normal part of the deliberative process and constitute a statement of professional principles for District Members. District Members will be assumed to have accepted the principles herein established and will abide by the principles by accepting their appointment to the Committee.