

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CIVIL PROCEDURE**

**COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND
ORDERS**

CR 4.07 Warning order attorney

(1) The clerk at the time of making a warning order shall appoint, as attorney for the defendant, a practicing attorney of the court. The court may appoint another attorney as a substitute for the attorney appointed by the clerk. Neither the plaintiff nor his attorney shall be appointed, or be permitted to suggest the name of the defendant's attorney. Such attorney must make diligent efforts to inform the defendant, by mail, concerning the pendency and nature of the action against him, and must report the result of his efforts to the court within 50 days after his appointment.

(2) If the warning order attorney cannot inform the defendant concerning the action, he shall so report to the court and shall then make a defense by answer if he can. If unable to make defense, he shall so report.

(3) If the warning order attorney knows or learns that the defendant is an unmarried infant or of unsound mind he shall include such information in the report required by paragraph (1) of this rule, and upon the filing of such report he shall become the guardian ad litem for such defendant as if appointed under Rule 17.03.

(4) Nothing done by the warning order attorney acting in such capacity or as guardian ad litem under paragraph (3) of this rule shall be treated as an appearance by the defendant.

(5) No judgment shall be rendered against a defendant for whom a warning order is made until a report required by this rule has been filed. Failure to file a report required by this rule without good cause may be punished as a contempt of court.

(6) The court shall allow the warning order attorney a reasonable fee for his services, to be taxed as costs.

HISTORY: Amended eff. 1-1-78; prior amendment eff. 4-1-63; adopted eff. 7-1-53