

KENTUCKY BAR ASSOCIATION
Unauthorized Practice of Law Opinion KBA U-2
Issued: March 1962

Question: May a district adjuster, a full-time salaried employee of a Workmen's Compensation insurer, who is also an attorney, admitted to the Bar of this state, properly practice Workmen's Compensation cases for his employer?

Answer: No.

References: RCA 3.020, 3.460; KRS 30.170

OPINION

Pursuant to the provisions of RCA 3.590 (now 3,460), the Unauthorized Practice of Law Committee for the Kentucky State Bar Association has been requested to give an advisory opinion on the following question:

May a district adjuster, a full time salaried employee of a Workmen's Compensation insurer, who is also an attorney. admitted to the Bar of this state, properly practice Workmen's Compensation cases for his employer?

It is the consensus of this Committee that the question must be answered in the negative for the reason that the employer-corporation will be practicing law through one of its regularly salaried employees in defending the case on behalf of the policy holder, even though the individual who performs the work is a member of the Bar.

The situation depicted in the inquiry does not come within the exception generally recognized by the courts that a regular, *bona fide* employee, who is a licensed attorney, may perform legal services for his regular employer in matters relating solely to the internal affairs of such employers, as distinguished from such services the employer may render to, or for, others.

There is no judicial dissent from the proposition that a corporation cannot lawfully engage in the practice of law. Osborne v Bank of United States, 9 Wheat 738. 6 L.Ed. 204 (1824)..

The Court of Appeals of Kentucky, by RCA 3.020, has defined the practice of law and the Kentucky Legislature has recognized the highest court's authority to so define the practice of law, KRS 30.170.

The question, therefore, must be answered in the negative.

Note to Reader

This unauthorized practice 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). Note that the Rule provides in part: "Both informal and formal opinions shall be advisory only."