

KENTUCKY BAR ASSOCIATION
Unauthorized Practice of Law Opinion KBA U-41
Issued: August 1986

- Question 1:** May an attorney or layman organize a Court Service to provide courier and filing services for practicing lawyers?
- Answer 1:** Qualified yes.
- Question 2:** May that service also obtain court dates, and appear at motion dockets and calendar calls?
- Answer 2:** No.
- Reference:** SCR 3.020

OPINION

Supreme Court Rule 3.020 defines the practice of law broadly, to-wit: “any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court,” etc. In accordance with this definition, the Committee has announced that paralegals may not appear and argue motions before the court. It follows that there are many activities that cannot be delegated to a court service.

While a courier and filing service would not offend SCR 3.020 any more than the practice of having non-admitted employees serving in such a capacity on behalf of a law firm, the Committee feels that additional services involving court appearances, even if categorized as ministerial duties, would offend SCR 3.030. See KBA E- 266.

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.”