

**KENTUCKY BAR ASSOCIATION**  
**Ethics Opinion KBA E-107**  
Issued: March 1975

***This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.***

**Question:** May an attorney establish a law office in partnership with a law student prior to his admission to the Bar, and accept capital contributions from the student to help defray office expenses?

**Answer:** No.

**References:** DR 3-102, 3-103

**OPINION**

An attorney contemplates opening a law office and anticipates that a second year law student will join him in the practice of law upon his admission to the Bar. If the attorney opens the office before the student is qualified to practice, he would have to depend heavily upon the student's assistance as a law clerk and on his capital contributions to help defray office expenses. Before proceeding, he has requested our advice on the propriety of adopting partnership plans at this time.

DR 3-102 provides that with certain exceptions not here applicable an attorney may not share legal fees with a non-lawyer. In DR 3-103 it is noted that a lawyer may not form a partnership with a non-lawyer if any of the activities of the partnership consist of the practice of law.

From an examination of these rules, it is clear that a partnership may not be established with a law student, and we have no hesitation in so holding. To rule otherwise would permit professional association with one not amenable to the disciplinary rules of our profession. We also find that there may be no division of fees with a law student, although there is nothing to prohibit his employment in the office and the payment of reasonable compensation for services performed. A contribution of capital would be equally violative of the disciplinary rules. Payment of office expenses necessarily implies the right to some voice in the operation of that office. Once a layman participates in this decisional process, he is to some degree a "partner" of the attorney.

For these reasons we have concluded that it would not be proper for the attorney and law student to adopt any partnership arrangements at this time. This of course is not to say that such

plans may not be discussed, but any implementation must await the day when the student is a duly qualified attorney.

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***Note to Reader***

*This ethics 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). The Rule provides that formal opinions are advisory only.*