

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-176
Issued: November 1977

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 include as part of an employment agreement with an associate a restrictive covenant prohibiting the associate from practicing law within a stated distance of the attorney's office upon termination of the association?

Answer: Qualified no.

References: DR 2-108(A); ABA Formal Opinion 300

OPINION

Such a restrictive covenant is improper except as a condition to payment of retirement benefits.

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.