

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-186
Issued: July 1978

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: Client A employs an attorney to examine the title to Blackacre. The attorney certifies to Client A that Blackacre is free and clear of all recorded liens or encumbrances. B subsequently goes to the attorney, and asks him to file a lien on Blackacre for materials furnished to the owner of Blackacre prior to the certification and to file a lawsuit to collect for said materials. May the attorney accept B's offer of employment?

Answer: No.

OPINION

In the circumstances outlined in the question, the attorney may not accept B's offer of employment.

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.