

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-198
Issued: January 1979

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>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question 1: May a lawyer in Kentucky place the name of an Indiana lawyer not admitted in Kentucky, on its stationery with the title "Counsel?"

Answer 1: Qualified yes.

Question 2: May a lawyer in Kentucky place on the door of the office the name of an Indiana lawyer who is not admitted to practice in Kentucky?

Answer 2: Qualified yes.

References: Opinion KBA E-163; DR 2-102(D); ABA Informal Opinion 256, 938, 1007, 1165, 1207, 1355 (1967); ABA Formal Opinion 316, 318, 330

OPINION

There is no impropriety in listing on the letterhead, in any law directory, shingle, etc., members of the law firm who are not all admitted to practice in this state, provided all representations of the firm name and its members to the public make clear which members the firm are not licensed to practice in Kentucky.

The firm must indicate after the name of any member who is not licensed in this state the limitation of his authority by the use of a heading "Of Counsel", or the phrase "Not Admitted to Practice in Kentucky" or the phrase "Admitted Only in (..)" or similar words to negate any implication of entitlement to practice in this state.

We also reference that under DR 2-102(D) one name for a multi-state interstate partnership is permissible. This had been prohibited by earlier opinions (specifically ABA Formal Opinion 318 (1957)). For discussions of the rationale of this overruling see ABA Informal Opinions 1165, 1207 and 1355. To the extent Opinion KBA E-163 is inconsistent with this opinion it is hereby modified.

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.