KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-201
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), before relying on this opinion.

Question: May an attorney contract with a legal services office, which provides only free civil legal services to indigent defendants, to represent clients in Bankruptcy Court, which are referred to him by the legal services office for which the attorney is paid an agreed per case fee by the legal services office?

Answer: Yes.

References: DR 2-106(A), 6-101(A)(1); ABA Informal Opinion 1334

OPINION

This type of arrangement whereby the legal aid organization contracts with an attorney to handle all cases in a particular area of law is not forbidden by any Disciplinary Rule. In fact DR 6-101(A)(1) precludes an attorney from handling a legal matter outside his competence without contacting an attorney competent to handle the matter. Therefore legal aid organizations which generally do not handle bankruptcy cases would be doing indigents a service by formalizing a contract with an attorney to handle such cases.

Finally, no Disciplinary Rule requires that the legal counsel furnished by such organization come from a lawyer who is a salaried employee of the legal aid organization. Outside lawyers may be used in such manner as long as the fees are not excessive, DR 2-106(A).

Therefore a lawyer may contract with a legal aid organization to provide for such service because it does not violate any Disciplinary Rule and would provide indigents with another necessary and altogether competent legal service.

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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.