

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-296
Issued: November 1984

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: Under what circumstances may a Legal Services Organization run a not-for-profit lawyer referral service?

Answer 1: See discussion.

Question 2: May an attorney member of the Board of Directors of the Corporation participate in the program?

Answer 2: Qualified yes.

References: Arizona Op. 81-4 (1981); DR 2-103(s)(c)(D)(3)(4); DR 2-104(A)(3).

OPINION

The above questions were recently considered by the Committee on Rules of Professional Conduct, State Bar of Arizona, in Arizona Opinion 81-4(1981). In that opinion the following standards were recommended for consideration in the approval of a lawyer referral service [citing DR 2-103(B)(C)(D)(3)(4) and DR 2-104(A)(3)]:

1. The organization sponsoring the lawyer referral service is organized on a not-for-profit basis and its general activities and purposes are consistent with the function of providing members of the general public with assistance in locating counsel.
2. The organization is not initiated, promoted or operated for the primary purpose of providing financial or other benefit to any lawyer or lawyers.
3. The lawyer referral service will be operated in a manner consistent with the Code of Professional Responsibility.

With regard to Question 2, the Arizona Committee made the following observations:

A lawyer may serve on a committee that directs and controls the operation of an approved lawyer referral service and accept referrals from the service. Prospective clients

should not be informed of the identity of the lawyer members of the board because the lawyers on the governing committee may improve their chances of gaining referrals.

We agree with and adopt the guidelines provided in this recent Arizona opinion, provided that an attorney-member has no control over the assignment of clients.

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.