

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-297
Issued: November 1984

OPINION

JURISDICTION OF THE ETHICS COMMITTEE

Frequent requests for Informal or Formal Opinions from opponents in litigation, clients, the media, and others, necessitates the issuance of a Formal Opinion regarding the Committee's jurisdiction.

With regard to the Ethics Committee (as opposed to the Unauthorized Practice of Law Committee), Supreme Court Rule 3.530(1) provides:

“Any attorney who is in doubt as to the propriety of any professional act contemplated by him ... may in writing to the Director petition for an advisory opinion thereon.” (Emphasis added.)

Consistent with this language, the Committee does not answer questions relating to the past or anticipated conduct of opposing counsel or other third parties, or an attorney's own past conduct unless it is tied to his or her future conduct. The Committee has previously stated that it does not answer questions of law. The resolution of disagreements between attorneys, attorneys and clients, and attorneys and third parties, is not in the Committee's jurisdiction. Similarly, responding to media inquiries regarding pending requests for opinions would be inconsistent with the language of the Rule and the proper function of the Committee. Finally, the Committee does not have jurisdiction to render a legal analysis of the powers of any government official.

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.