

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-329
Issued: April 1988

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: The Louisville Bar Association has proposed that a Justice Center be established to provide the public service of identifying legal and nonlegal problems for members of the public, and referring the individual to an appropriate provider of services, such as the Commonwealth's Attorney, Legal Aid, Lawyer Referral, the Public Defender, or, when appropriate, the Small Claims Court.

Furthermore, "future" plans contemplate advice regarding available methods or sources of alternative dispute resolution. The Justice Center would also provide legal and nonlegal information to the general public through seminars and brochures that will deal with general, as opposed to individual, problems. To the extent that advice will be given as to whether legal problems exist, such advice will be provided by volunteer lawyers (or later, a staff attorney or attorneys) or paralegals under the supervision of a lawyer.

The Justice Center would charge a nominal "scaled" fee to help defray the expenses of the Center.

The Louisville Bar Foundation asks if such a Center would run afoul of the prohibition of corporate practice of law.

Answer: In our opinion, the Justice Center proposal is fully coexistent with the Code.

References: EC 8-3.

OPINION

Ethical Consideration EC 8-3 provides in part that "members of the public should be educated to recognize the existence of legal problems and the resultant need for legal services, and should be provided methods for intelligent selection of counsel. Those persons unable to pay for legal services should be provided needed services."

The creation and operation of a Justice Center would be a concrete step in the direction of realizing the above stated goals. Moreover, the public interest in accomplishing these desirable goals is far outweighed by any public interest (if there is one) that might arguably be served by

enjoining the Center from providing the limited “legal advice” contemplated through volunteer lawyers or even full time staff attorneys.

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.