

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-334
Issued: March 1989

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: May a Kentucky Lawyer subscribe to the Talking Yellow Pages?

Answer: Yes.

References: KBA E-309 and Ohio op. (1988).

OPINION

In KBA E-309 we concluded that the Talking Yellow Pages service submitted for “approval” presented two problems under the Code of Professional Responsibility. Specifically, it (1) invited the comments of and recommendations from an unmonitored lay intermediary regarding the experience and degree of specialization of subscribing lawyer, and (2) required participating attorneys to reimburse the service on a per referral basis. Because of these features we concluded that the service resembled a for-profit referral service rather than advertising.

Recently the Talking Yellow Pages modified its procedures to eliminate these objectionable features. In addition, the service (as modified) was approved by the Supreme Court of Ohio, Board of Commissioners on Grievance and Discipline, as an acceptable form of advertising.

For the foregoing reasons, a Kentucky Lawyer may subscribe to this service. Any Kentucky Lawyer doing so should submit proposed advertisements to the Bar for review by the appropriate lawyer advertising review panel.

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.