

**KENTUCKY BAR ASSOCIATION**  
**Unauthorized Practice of Law Opinion KBA U-18**  
Issued: November 1977

**Question:** May any person, who is not licensed to practice law in Kentucky, be employed by the Governor of Kentucky by virtue of the authority vested in him by KRS 12.210(1) without engaging in the unauthorized practice of law?

**Answer:** No.

**References:** KRS 12.210, 12.220, RAP 3.020

**OPINION**

KRS 12.210(1) expressly authorizes the Governor of Kentucky to employ only one type of employee to perform only one type of service, namely, “an attorney or attorneys for legal services to be performed” KRS 12.220 grants broad powers to “any attorney or attorneys employed pursuant to the provisions of KRS 12.210...” and each of these powers clearly is within the definition of the practice of law as prescribed by RAP 3.020:

The practice of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.

Therefore, since the employment of anyone pursuant to KRS 12.210 would necessarily be limited to only those activities that constitute the practice of law, any person employed under the authority of KRS 12.210 would be engaged in the unauthorized practice of law unless he was licensed to practice law in Kentucky even though the terms of his employment set out in the governor's executive order employing him referred to his employment “as special counsel to the governor.”

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***Note to Reader***

*This unauthorized practice 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). Note that the Rule provides in part: “Both informal and formal opinions shall be advisory only.”*