

KENTUCKY BAR ASSOCIATION
Unauthorized Practice of Law Opinion KBA U-4
Issued: May 1962

Question: May a corporation procure from the Kentucky Unemployment Compensation Commission periodically transcripts of the employer's history; maintain current records of the employer's payroll, contributions, and charges to its account; advising the employer regarding procedure in completing forms and reports necessary to be filed with the Unemployment Compensation Commission; analyzing all claims for compensation filed against an employer and, in general, help the employer procure the best possible merit rate at the Kentucky Unemployment Compensation Commission?

Answer: No.

OPINION

An attorney requests an opinion based on the following situation:

Procuring from the Kentucky Unemployment Compensation Commission periodically transcripts of the employer's history; maintain current records of the employer's payroll, contributions, and charges to its account; advising the employer regarding procedure in completing forms and reports necessary to be filed with the Unemployment Compensation Commission; analyzing all claims for compensation filed against an employer and, in general, help the employer procure the best possible merit rate at the Kentucky Unemployment Compensation Commission.

It is the opinion of a majority of the members of this Committee that the services to be performed by such a corporation would be valuable to the public and are proper and ethical so long as they are rendered by a duly licensed individual or by a law firm or firms and not rendered by a corporation. Because part of the Services to be rendered would consist of "analyzing all claims for compensation filed against the employer" and this service, is, strictly speaking, a part of the practice of law, or, at least, borders very closely thereon, and since corporations are prohibited from engaging in the practice of law, it is the opinion of this Committee that this action of the corporation would be the unauthorized practice of law if it attempted to perform a service of analyzing claims against employers.

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."