

KENTUCKY BAR ASSOCIATION
Unauthorized Practice of Law Opinion KBA U-43
Issued: September 1989

Question: May professional engineers, contractors, and other non-lawyers, (1) represent clients in adjudicative or quasi-adjudicative proceedings before zoning boards and zoning authorities if such proceedings involve the taking of evidence, examination or cross-examination of witnesses, or the presentation of legal points and authorities, or (2) give legal advice to such parties?

Answer: (1) No. (2) No.

OPINION

Such activities clearly involve the practice of law under SCR 3.020. Compare KBA U-35 (1981) (prohibiting lay representation before Board of Claims), KBA U-34 (1981) (University grievance proceedings), KBA U-17 (1977) (Board of Tax Appeals), (KBA U-15 Unemployment Insurance Commission), KBA U-3 (1962) (Department of Transportation), and KBA v. Henry Vogt Machine Co., Inc., 416 S.W.2d 727 (1967).

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."