

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-9
Issued: November 1962

Question: May an attorney include his name in legal notices published in connection with proceedings handled by the attorney?

Answer: Yes.

References: Canon 27; KRS 424.340

OPINION

A County Bar Association has requested an advisory opinion as to the propriety of a custom that has developed in several counties. KRS 424.340 requires the personal representative of a decedent to publish a notice, advising the public of his appointment and directing persons having claims against the estate to present them to the personal representative at a designated place, on or before a designated date. It appears that the form of notice used in many counties directs claimants to present their claims to the attorney for the personal representative, at the office of the attorney, while, in other instances, the notice is published over the name and address of the attorney.

This question involves Canon 27.

The Standing Committee on Professional Ethics of the American Bar Association in its Opinion No. 299, dated July 12, 1961, held that it was not improper to include an attorney's name in legal notices published in connection with proceedings being handled by the attorney, if it serves a practical and useful purpose in advising where information regarding the proceedings may be had.

We agree with the Standing Committee with respect to this matter. We hold that the insertion in the legal notice of the name and address of the attorney who is handling the proceedings is proper when done for the purpose of advising the public where information regarding the matter may be obtained.

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). Note that the Rule provides: "Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act."