

**KENTUCKY BAR ASSOCIATION**  
**Ethics Opinion KBA E-149**  
Issued: July 1976

**Question:** May a full-time sales representative for a life insurance company who is a nonpracticing lawyer state on his business card that he is an “attorney at law” or a “member of the Kentucky Bar Association” or otherwise identify himself as a lawyer?

**Answer:** No.

**References:** DR 3-101(A); ABA Informal Opinion 453 (1961), 579 (1963)

**OPINION**

In ABA Informal Opinion 453 (1961), the Committee decided that a trust officer of a bank might not display in his office in the bank certificates of admission to the bar or conferral of law degrees on him. A bank may not practice law and therefore may not offer legal services or advice. If a bank officer identifies himself as a lawyer, the bank is offering legal services through him. Our case here is indistinguishable in principle. The insurance company has not employed the lawyer as such and identification of him as a lawyer is not descriptive of his job. Compare ABA Informal Opinion 579 (1963). If he identifies himself as a lawyer on his business card, he aids unauthorized practice of law in violation of DR 3-101(A).

We are not bound by ABA opinions and should perhaps state our reason for agreeing with ABA Informal Opinion 453. In his application for our opinion, the lawyer states “I will make constant recommendations as to the financial planning of large corporations and individuals with substantial assets....” In other words, he will be discussing estate planning, trust, “buy-sell” agreements, retirement and profit-sharing plans and the like with customers and prospective customers of his employer. In these circumstances, identification of himself as a lawyer cannot possibly be interpreted as anything but an offer of legal advice and possible other legal services by his employer.

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***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