

**KENTUCKY BAR ASSOCIATION
RULES OF THE SUPREME COURT OF KENTUCKY**

PRACTICE OF LAW

SCR 3.130(7.07) Review of filings

(1) For any advertisement on which an advisory opinion has not been sought, the Commission, or its designee, may review such filings for compliance with the Advertising Rules and Advertising Regulations. If the Commission, or its designee, determines a violation of the Advertising Rules or Advertising Regulations has occurred, it may notify the advertising attorney that a violation has occurred, and it may refer the matter to the Inquiry Commission.

(2) If the Commission determines that the Advertising Rules or Advertising Regulations have been violated by a lawyer, it shall determine whether the violation can be dealt with administratively, or can be presumed to be intentional. The Commission may address administrative violations. Intentional violations include but are not limited to: (1) publishing the advertisement after receiving notice that the advertisement is in violation of the Advertising Rules or the Advertising Regulations; (2) a manifest indifference to the Advertising Rules or Advertising Regulations; or (3) a pattern of repeated disregard for these Advertising Rules or Advertising Regulations. Intentional violations may be referred to the Inquiry Commission.

(3) If the Commission has notified the lawyer that the advertisement violated the Advertising Rules or Advertising Regulations, and has further determined that the publication of the advertisement may be contrary to the public interest, the Commission or its designee shall notify the lawyer whose advertisement is under consideration and the Director of the Association. The Director may, upon receiving such notification, bring an action in compliance with this Rule.

HISTORY: Amended by Order 2009-05, eff. 7-15-09; prior amendments eff. 1-1-06 (Order 2005-10), 1-1-02 (Order 2001-2), 11-1-95 (Order 95-1); adopted eff. 8-1-92

Supreme Court Commentary

2009:

Any advisory opinion under SCR 3.130(7.06) or any letters of notification under SCR 3.130(7.07) that an advertisement does not comply with the Advertising Rules or any Advertising Regulations of the Commission does not prohibit the lawyer from using any such advertisement. However, the lawyer, as with all other Rules of Professional Conduct, is obligated to comply with the Advertising Rules and Advertising Regulations and may face disciplinary sanctions if the advertisement used is found to be in violation of the Advertising Rules or Advertising Regulations