

KENTUCKY BAR ASSOCIATION
Unauthorized Practice of Law Opinion KBA U-15
Issued: March 1976

Question: May a layman represent a claimant at a hearing before a referee of the Unemployment Insurance Commission without constituting the unauthorized practice of law.

Answer: No.

References: RAP 3.020

OPINION

The case of Kentucky State Bar Assn v. Henry Vogt Machine Co. Inc., 416 S.W.2d 727 (Ky. 1967), answers this question directly and completely. An examination of the revisions of the statutes and additions passed subsequent to the date of the rendering of the opinion of the Kentucky Court of Appeals in the Vogt case does not reveal changes which would affect the opinion of the Court nor do we find any decisions of the Court subsequent to that time which alter the decision in the Vogt case.

In addition, reference may be made to KBA U-3 which held that laymen cannot represent persons or entities before quasi-judicial bodies.

The decision of the Court of Appeals rendered in the Vogt case, that such representation, as defined in RAP 3.020, *i.e.*, objecting to motions, examining and cross-examining witnesses and doing those things which normally must be done in the representation of clients in administrative hearings, constitutes the practice of law. There is no reason for any exception to that rule when the Unemployment Insurance Commission is the body before whom such unauthorized practice occurs.

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."