

KENTUCKY BAR ASSOCIATION
Unauthorized Practice of Law Opinion KBA U-48
Issued: July 1995

Question: May an insurance adjuster, claiming authority under KRS 304.9-070 and KRS 304.9-430, represent a member of the public, and accept compensation, in negotiating for an effecting the settlement of a claim for loss or damage.

Answer: No.

References: SCR 3.020; Professional Adjusters, Inc. v. Tandon, 433 N.E.2d 779 (Ind. 1982).

OPINION

The above described conduct is the practice of law. Supreme Court Rule 3.020. When such services are performed by one who is not admitted to the Bar of the Commonwealth, there is a clear violation of Rule 3.020. The legislature cannot authorize conduct in violation of SCR 3.020. That is a matter for the Supreme Court.

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."