

KENTUCKY BAR ASSOCIATION

Ethics Opinion KBA E-370

Issued: September 1994

Question: May Kentucky Lawyers enter into an arrangement with LAWCARD, a credit card program that finances the payment of legal fees?

Answer: Yes

References: ABA Op. 338 (1972); KBA Op. E-172 (1974); Main Op. 138 (1994); Alabama Op. 93-19 (1993).

OPINION

LAWCARD is a credit card plan and not a for-profit lawyer referral service. Use of LAWCARD has been accepted in a number of jurisdictions, and there are several ethics opinions explicitly approving of LAWCARD. See Main Op. 138 (1994); Alabama Op. 93-19 (1993).

ABA and KBA opinions allow law firms to accept credit cards as a method of payment for legal services performed by that firm. ABA Formal Op. 338 (1974); KBA Op. E-172 (1977). So long as LAWCARD and the lawyer participating in the LAWCARD program comply with KBA E-172, as well as all governing laws and rules (e.g., Rule 5.4(a) prohibiting fee-splitting with non-lawyers), the Committee finds no reason to answer the question in any way but the affirmative.

We do note that our opinion does not and cannot constitute legal advice or a legal opinion to the lawyer, to LAWCARD, or to any other person, nor an endorsement or certification of LAWCARD or lawyers accepting LAWCARD. The Committee does not give legal advice; nor does it review and certify compliance with the law.

For the convenience of the reader we append KBA E-172 (1977).

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."