

**KENTUCKY BAR ASSOCIATION**  
**Unauthorized Practice of Law Opinion KBA U-20**  
Issued: July 1978

**Question:** May the resident manager of a corporation go to the Small Claims Court (KRS 24A.200) to practice a case against someone who owes the corporation money on an account?

**Answer:** No.

**References:** Opinion KBA U-3; KRS 24A.200. 24A.240; SCR 3.020; Kentucky State Bar Assn v. Henry Vogt Machine Co. Inc. 416 S.W.2d 727 (Ky. 1967)

**OPINION**

KRS 24A.240(I) states that the appearance of an attorney at law on behalf of any *party* is permitted but not required in the Small Claims Court. The purpose of this section of the statute is to permit individuals who may have a small claim (under \$500) against a person, whether natural or legal, to avoid expensive legal fees in the prosecution of that claim or in defense of a claim. The law is clearly designed as a consumer protection measure. KRS 24A.200 provides that the purpose of the Small Claims Court is to

...improve the administration of justice in small non-criminal cases, and make the judicial system more available and comprehensible to the public; to simplify practice and procedure in the commencement, handling, and trial of such cases in order that plaintiffs may bring actions in their own behalf, and defendants may participate actively in the proceedings rather than default; to provide an efficient and inexpensive forum with the objective of dispensing justice in a speedy manner, and generally to promote the confidence of the public in the overall judicial system by providing a forum for small claims.

Obviously, then, any natural person who has a claim against a natural or legal person, or who has had a claim filed against himself in the small claims court, may prosecute or defend on his own behalf.

Such is not the case when a resident manager of a corporation wishes to prosecute a claim of that corporation. SCR 3.020 defines the practice of law as follows:

The practice of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services...

In Kentucky State Bar Assn v. Henry Vogt Machine Co. Inc. 416 S.W.2d 727 (Ky. 1967) the Kentucky Court of Appeals held that a layman may not represent a claimant before a referee of the Unemployment Insurance Commission. Nor can a layman represent corporate entities or persons before quasi-judicial bodies (See Opinion KBA U-3).

Since the corporation is the party prosecuting or defending a claim before the Small Claims Court, the resident manager would not be a “party” as contemplated by KRS 24A.240.

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***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.”*