

KENTUCKY BAR ASSOCIATION
Unauthorized Practice of Law Opinion KBA U-60
Issued: September 1999

Question: May a for-profit or non-profit corporation draft articles of incorporation for a new Kentucky corporation when the drafter has no beneficial interest in the new entity?

Answer: No.

OPINION

Drafting articles of incorporation is unquestionably the practice of law. See KBA U-7. Where the drafter has no beneficial interest in the new entity, the drafter must be an attorney licensed in Kentucky or he/she cannot prepare the articles without engaging in the unauthorized practice of law.

Furthermore, corporations are not permitted to practice law in the Commonwealth. Kentucky Bar Association v. Tussey, Ky., 476 S.W.2d 177 (1972); KBA U-32; Kentucky Bar Association v. Legal Alternatives, Inc., Ky., 792 S.W.2d 368 (1990).

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."