

**KENTUCKY BAR ASSOCIATION  
RULES OF THE SUPREME COURT OF KENTUCKY**

**PRACTICE OF LAW**

**SCR 3.130(7.20) Advertising**

(1) Subject to the requirements of Rules 4.5 and 7.10, a lawyer may advertise legal services through written, recorded or electronic communications, including public media.

(2) A lawyer shall not give anything of value to a non-lawyer for recommending the lawyer's services except that a lawyer may:

(a) Pay the reasonable cost of advertising or communication permitted by this Rule;

(b) Pay the usual charges of a legal service plan or a not-for-profit qualified lawyer referral service. A qualified referral service is a lawyer referral service that has been approved by the Advertising Commission;

(c) Pay for a law practice in accordance with Rule 1.17; and

(d) Refer clients to another lawyer or a non-lawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

(i) The reciprocal referral agreement is not exclusive, and

(ii) The client is informed of the existence and nature of the agreement.

(3) Any communication made pursuant to these Rules shall include: the name and office address of at least 1 lawyer or the name of a law firm. The lawyer or lawyers in Kentucky shall be responsible for the content of the advertisement.

(4) Communication by a lawyer with a person or entity with whom that lawyer has an immediate family or current attorney-client relationship, or a communication in response to an inquiry from any person or entity seeking information, shall be exempt from the provisions of the Advertising Rules and the Advertising Regulations, with the exception of SCR 3.130(7.10).

(5) If a lawyer or a law firm advertises legal services and a lawyer's name or image is used to present the advertisement, the lawyer must be the lawyer who will actually perform the service advertised unless the advertisement prominently discloses that the service may be performed by other lawyers. If the lawyer whose name or image is used is not licensed to perform the services in Kentucky, such fact shall be disclosed in the advertisement. If the advertising lawyer or firm is advertising for clients for the purpose of referring the client to another lawyer or firm, that fact must be disclosed prominently in the advertisement.

(6) The lawyer shall retain a copy or recording of all advertisements utilized by the lawyer, as well as a record of when and where it was used, for 2 years after its last dissemination. Electronic retention is permitted if in PDF format, or such other formats as the Commission may designate by regulation. In the event of the pendency of any disciplinary action before the Inquiry Commission, Board of Governors or Court, the lawyer shall continue to retain a copy until the termination of that proceeding.

HISTORY: Adopted by Order 2015-20, eff. 1-1-16