



NEWS RELEASE

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Kentucky Disaster Response Plan Activated

FRANKFORT, Ky. –The Kentucky Bar Association has activated our Disaster Response Plan pursuant to Supreme Court Rule 3.130(7.60). The Disaster Response Plan addresses, “the problems that occur when lawyer and non-lawyers, who are not subject to the disciplinary jurisdiction of the Kentucky Bar Association and the Kentucky Supreme Court, engage in the provision of legal services, legal advice, and outright solicitation or persons and their families affected by a Disaster.”

As part of the Kentucky Disaster Response plan, The Kentucky Mass Disaster Task Force is created. Members of the Task Force are Supreme Court of Kentucky Justice Christopher Shea Nickell of Paducah, Task Force Chair; Retired Circuit Judge and KBA Ethics Committee Chair Judge Paul Isaacs of Sadieville; KBA’s Unauthorized Practice of Law Committee Chair attorney Rodger Lofton of Paducah, retired Supreme Court of Kentucky Justice Bill Cunningham of Kuttawa; and KBA Vice President W. Fletcher Schrock of Paducah.

Kentucky Revised Statute 21A.300 makes it a Class A misdemeanor for an attorney or an attorney referral service to directly solicit a victim or a relative of a victim of a disaster for 30 days following a disaster.

The Kentucky Supreme Court’s Rules of Professional Conduct governing lawyer conduct make it a violation at any time for an attorney, or anyone on an attorney’s behalf, to initiate contact or to solicit professional employment, in person or by live telephone, from a prospective client who is not a family member or a client of the attorney. Additionally, SCR 3.130(4.5)(4) provides that “no communication shall be sent to those individuals and related targets of solicitation who have been involved in a disaster as defined in SCR 3.130(7.60) until 30 days have elapsed from the occurrence of the Disaster.”

If members of the public are not already aware, the public should know that “statutes of limitation” exist which apply to various causes of action within the Commonwealth of Kentucky and, in certain circumstances, to Federal causes of action. Further, any person or entity believing he or she has been damaged by the wrongful acts of another should seek legal advice to determine the applicable statute of limitations, and other rights.

Lawyers seeking to make direct written contact with family members should be aware of the Kentucky lawyer advertising rules which are Rules of Professional Conduct. Victims’ family members who have concerns about inappropriate lawyer conduct and wish to report any such conduct may contact the Task Force through the Kentucky Bar Association at 514 West Main Street, Frankfort, KY 40601-1812 or by calling KBA Executive Director John D. Meyers at (502) 564-3795 or by email at jmeyers@kybar.org.

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