

Supreme Court of Kentucky

IN RE:
ORDER AMENDING
SCR 3.130(7.03) - ATTORNEYS' ADVERTISING COMMISSION

2003-1

(1) There shall be created an Attorneys' Advertising Commission which shall perform such functions in regulating lawyer advertising as prescribed in these Rules.

(2) The Commission shall consist of nine (9) persons appointed by the President and approved by the Board. Each Commission member shall be appointed for a term of three years, with terms so established that the terms of the Commission members shall be staggered. Vacancies for unexpired terms shall be filled in the same manner as original appointees, but the appointees shall hold office only to the end of the unexpired term. No member may serve more than two (2) terms in succession, and may be removed at any time by a majority vote of the Board.

(3) Each Commission member shall be a citizen of the United States and licensed to practice law in the Courts of the Commonwealth.

(4) The Commission shall be provided with sufficient administrative assistance from the Director as from time to time may be required.

(5) The Commission shall have general responsibilities for the implementation of this Rule. In discharging its responsibilities the Commission shall have authority to:

(a) Issue and promulgate regulations and such forms as may be necessary, subject to prior approval by the Board. Each member of the Association shall be given at least sixty (60) days advance notice of any proposed regulations and an opportunity to comment thereon. Notice may be given by publication in the journal of the Kentucky Bar Association.

(b) Report to the Board at its last meeting preceding the Annual Convention of the Association, and otherwise as required, on the status of advertising with such recommendations or forms as advisable.

(c) Delegate to an employee of the KBA designated by the Director of the Kentucky Bar Association the authority to approve advertisements on its behalf submitted pursuant to Rule 7.05(2).

(d) Hold hearings, conduct investigations, subpoena witnesses and documents and administer oaths or delegate this authority to a Commission member or a hearing officer who shall proceed in the name of the Commission.

(e) Seek out violations of these Rules and resolve the violations under Rule 7.06(4).

(6) The Commission shall prepare a budget for the succeeding year and shall submit same to the Board of Governors for inclusion with the budget of the Association.

(7) The Commission shall act upon advertisements in panels of three (3) persons. A quorum to act upon an advertisement shall consist of not fewer than two (2) members of a panel. A quorum to do business in meetings of the entire Commission shall consist of not fewer than five of its members in attendance; provided, however, that one member, or a hearing officer appointed by the Commission, may conduct hearings and in an emergency where a quorum is unavailable one member may issue a notice of proposed disapproval under Rule 7.06.

All concur.

ENTERED this the 17 day of January, 2003.


CHIEF JUSTICE