**Amendments to the Kentucky Supreme Court Rules Effective April 1, 2022**

The Kentucky Supreme Court announced [several proposed amendments to the rules have been approved and became effective on April 1, 2022](https://cdn.ymaws.com/www.kybar.org/resource/resmgr/supremecourt/adminorder2022-11scramendmen.pdf).  We encourage you to review and note any rules that impact your practice. For comparison with prior and new language, [you may also take a look at the proposed amendments, here](https://cdn.ymaws.com/www.kybar.org/resource/resmgr/supremecourt/2021ruleamendmentssc.pdf). To get you started, we have highlighted the most significant changes.

[As discussed in LMICK Minute #16](https://www.lmick.com/item/the-lmick-minute-issue-16), we had a handful of the amendments on our radar.

* SCR 3.130(5.8) Responsibilities regarding law related services
  + This new rule was ***adopted***.
  + The rule applies to attorneys providing *“****services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.****”*  The rule expands the Rules of Professional Conduct to apply to attorneys serving in roles outside of traditional legal services. The rule’s commentary indicates the intent is to prevent a client’s assumptions regarding an attorney’s duty when the attorney is acting in a role where no duty is owed.
* SCR 3.130(8.4) Misconduct
  + The proposed new section (f) making it misconduct to “engage in conduct that is prejudicial to the administration of justice” was ***not adopted***.
  + The clarifying language to comment 2 was ***adopted***.
* SCR 3.130(1.1) Competence
  + The proposed commentary indicating an attorney’s well-being was one component of competence was ***not adopted***.

Other adopted amendments of note include:

* SCR 3.023 Disclosure of Professional Liability Insurance
  + The rule was amended to impose a $50.00 late fee for any attorney not complying with disclosure requirements by October 1 each year.
* SCR 3.150 Access to disciplinary information
  + These amendments make disciplinary proceedings public after “*the filing of a verified answer to a charge or, in the case of default, (30) days following service on the Respondent.*” This is a change from the prior rules which kept disciplinary records confidential until a finding that a violation meriting public discipline had occurred.
* Other disciplinary changes
  + SCR 3.167 Indefinite suspension in default cases or for failure to  
    participate after answer
    - This new section allows for indefinite suspension of an attorney failing to participate in the disciplinary proceedings. The comment to the rule references *Kentucky Bar Association v. Benton*, 449 S.W.3d 368 (Ky. 2014) where the court indefinitely suspended an attorney for his failure to answer the disciplinary charges while also acknowledging the rules did not expressly provide for indefinite suspension.
    - The rule also provides that bar counsel may move for permanent disbarment if the attorney does not seek reinstatement within five (5) years
  + Updated reinstatement and restoration rules, including:
    - New rules for reinstatement following suspension, with different processes for a 180-day suspension and a 181-days or more suspension (SCR 3.501 and SCR 3.502 which replace SCR 2.300);
    - 3.503 Reinstatement standards; and
    - SCR 3.504 Restoration to membership.
* 3.530 Ethics Committee
  + The amendment allows the attorney requesting an informal opinion to waive confidentiality
* 3.660 Procedure for accreditation of continuing legal education  
  activities and obligations of sponsors
  + Provisions for sponsor provided forms for CLE credits have been removed and it is up to the attorney to report attendance to the CLE committee via the online portal.
* 3.690 Continuing Legal Education Award
  + Attorneys earning 20 or more credit hours each year will be awarded the CLE Award. (***Plus, you may get a credit on your LMICK premium!***)