

NOTICE TO THE BAR

SUPREME COURT ADOPTS AMENDMENTS AND OFFICIAL COMMENT TO RPC 7.1

The Supreme Court hereby announces the adoption of the following amendments and an Official Comment to RPC 7.1, effective immediately. In deciding to take this action, the Court considered the reports of the Professional Responsibility Rules Committee, the Committee on Attorney Advertising, and Advisory Committee on Professional Ethics submitted in April 2009, on referral from the decision of the Court in In re Opinion 39 of the Committee on Attorney Advertising, 197 N.J. 66 (2008) (requesting recommendations for amendments to Rules of Professional Conduct regarding comparative communications). The Court also considered written comments submitted pursuant to the Notice dated May 1, 2009, as well as testimony provided at a public hearing held in Trenton on September 30, 2009, which was announced by Notice dated July 1, 2009.

Mark Neary, Esq.
Clerk of the Supreme Court

Dated: November 2, 2009

SUPREME COURT OF NEW JERSEY

IT IS ORDERED that the attached amendment and official comment to RPC 7.1 of the Rules of Professional Conduct, which are included as part of the Rules Governing the Courts of the State of New Jersey, are hereby adopted to be effective immediately.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: November 2, 2009

RPC 7.1 Communications Concerning a Lawyer's Service

(a) A lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement. A communication is false or misleading if it:

(1) . . . no change

(2) . . . no change

(3) compares the lawyer's services with other lawyers' services, unless (i) the name of the comparing organization is stated, (ii) the basis for the comparison can be substantiated, and (iii) the communication includes the following disclaimer in a readily discernable manner: "No aspect of this advertisement has been approved by the Supreme Court of New Jersey"; or

(4) . . . no change.

(b) . . . no change.

Official Comment by Supreme Court (November 2, 2009)

A truthful communication that the lawyer has received an honor or accolade is not misleading or impermissibly comparative for purposes of this Rule if: (1) the conferrer has made inquiry into the attorney's fitness; (2) the conferrer does not issue such an honor or accolade for a price; and (3) a truthful, plain language description of the standard or methodology upon which the honor or accolade is based is available for inspection either as part of the communication itself or by reference to a convenient, publicly available source.

Note: Adopted July 12, 1984, to be effective September 10, 1984; new paragraph (b) added June 26, 1987, to be effective July 1, 1987; paragraph (a) amended June 29, 1990, to be effective September 4, 1990; paragraph (b) amended January 5, 2009 to be effective immediately; paragraph (a)(3) amended and Official Comment adopted November 2, 2009 to be effective immediately.