

NOTICE TO THE BAR

REVISION TO RPC 7.5(e) REGARDING LAW FIRM TRADE NAMES

The Supreme Court, as part of the July 27, 2015 Omnibus Rule Amendment Order, adopted amendments to Rule of Professional Conduct 7.5(e) in response to the recommendations of the Ad Hoc Committee on Law Firm Trade Names. The amendments become effective September 1, 2015.

Prior to these amendments, RPC 7.5 has required law firm names to include the full name or last name of a lawyer practicing with the firm or the names of lawyers who are no longer associated with the firm through death or retirement. Law firm names could include only limited additional information pertaining to the firm, such as "& Associates." However, the Ad Hoc Committee on Law Firm Trade Names, in its report that was published by June 20, 2014 notice to the bar, recommended revising RPC 7.5(e) so as to permit lawyers to include additional information in firm names. The Supreme Court had formed the Ad Hoc Committee as a required step towards implementation of its decision in In re Letter Decision of the Committee on Attorney Advertising, Docket No. 47-2007, 213 N.J. 171 (2013).

The Court considered and has approved the Ad Hoc Committee's recommended amendments to RPC 7.5. Thus, under these amendments that become effective September 1, 2015, while a law firm name must still include the name of a lawyer, the name may also include additional language that describes the nature of the firm's legal practice. Specifically, the Court has added the following language to RPC 7.5(e):

Use of a trade name shall be permissible so long as it describes the nature of the firm's legal practice in terms that are accurate, descriptive, and informative, but not misleading, comparative, or suggestive of the ability to obtain results. Such trade names shall be accompanied by the full or last names of one or more of the lawyers practicing in the firm or the names of lawyers who are no longer associated in the firm through death or retirement.

The Court also adopted the following Official Comment to provide further guidance to the bar as to these amendments:

By way of example, "Millburn Tax Law Associates, John Smith, Esq." would be permissible under the trade name provision of this rule, as would "Smith & Jones Millburn Personal Injury Lawyers," provided that the law firm's primary location is in Millburn and its primary practice area is tax law or personal injury law, respectively. John Smith Criminal Defense and Municipal Law would also be permissible. However, neither "Best Tax Lawyers" nor "Tax Fixers" would be permissible, the former being comparative and the latter being suggestive of the ability to

achieve results. Similarly, "Budget Lawyer John Smith, Esq." is not permissible as it is comparative and likely to be misleading; "Million Dollar Personal Injury Lawyer John Smith, Esq." is not permissible as it suggests the ability to achieve results; and "Tough As Nails Lawyer John Smith, Esq." is not permissible as it purports to describe the lawyer and does not describe the nature of the firm's legal practice.

Additionally, the Court has directed the Committee on Attorney Advertising to monitor and review law firm names in order to ensure compliance with the amended rule.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", written over a horizontal line.

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: August 17, 2015