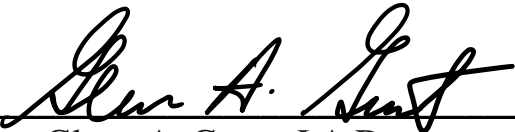


NOTICE TO THE BAR

ATTORNEYS COUNSELING CLIENTS ON MARIJUANA LAWS; AMENDMENTS TO RPC 1.2(d)

The New Jersey electorate in the November 3, 2020 General Election approved a constitutional amendment to legalize the recreational use of marijuana, part of the continuing evolution of marijuana laws in New Jersey and throughout the nation. The need for attorneys to provide representation and advice regarding those changing laws gives rise to a new array of professional responsibility considerations for attorneys. In recognition of that, the Supreme Court, by order of November 17, 2020 (attached), has amended Rule of Professional Conduct 1.2(d) so as to authorize attorneys to counsel clients on all New Jersey marijuana laws, not just those laws relating to medicinal marijuana, as the RPC previously permitted. While not related to the constitutional amendment, the Court also adopted a second revision to RPC 1.2(d) to permit attorneys to counsel clients on marijuana laws of other states if the attorney is licensed in the other state and meets the requirements of the other state. These amendments to RPC 1.2(d) are effective immediately.



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

Dated: November 18, 2020

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to RPC 1.2 of the Rules of Professional Conduct, which are included as an Appendix to Part I of the Rules Governing the Courts of the State of New Jersey, are adopted to be effective immediately.

For the Court,



Chief Justice

Dated: November 17, 2020

RPC 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer

(a) ... no change

(b) ... no change

(c) ... no change

(d) A lawyer shall not counsel or assist a client in conduct that the lawyer knows is illegal, criminal or fraudulent, or in the preparation of a written instrument containing terms the lawyer knows are expressly prohibited by law, but a lawyer may counsel or assist a client in a good faith effort to determine the validity, scope, meaning or application of the law.

A lawyer may counsel a client regarding New Jersey's [medical] marijuana laws or the marijuana laws of other states, provided the lawyer meets the requirements of those states, and may assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. The lawyer shall also advise the client regarding related federal law and policy.

Note: Adopted July 12, 1984 to be effective September 10, 1984; caption amended, paragraphs (a) and (c) amended, and paragraph (e) deleted and redesignated as RPC 1.4(d) November 17, 2003 to be effective January 1, 2004; paragraph (d) amended August 1, 2016 to be effective September 1, 2016; paragraph (d) amended November 17, 2020 to be effective immediately.