

NOTICE TO THE BAR

INTERNET COMPANIES THAT FURNISH LAWYERS TO PROVIDE LEGAL SERVICES TO CUSTOMERS IN TRAFFIC TICKET CASES ENGAGE IN THE UNAUTHORIZED PRACTICE OF LAW AND NEW JERSEY LAWYERS MAY NOT CONTRACT WITH SUCH COMPANIES TO PROVIDE LEGAL SERVICES; SUCH COMPANIES ALSO MAY NOT REFER ITS CUSTOMERS TO NEW JERSEY LAWYERS FOR PROVISION OF LEGAL SERVICES

The Supreme Court Committee on the Unauthorized Practice of Law continues to receive grievances regarding internet companies that furnish lawyers to provide legal services to customers in traffic ticket matters. As the Committee noted in Joint Opinion 58 (2021), companies that are not law firms cannot provide legal services, either through staff lawyers or by furnishing outside lawyers, to customers of the companies. Such companies engage in the unauthorized practice of law. A lawyer who provides legal services to customers of the company is assisting the company in the unauthorized practice of law, in violation of Rule of Professional Conduct 5.5(a)(2). Despite the publication of this Joint Opinion, the Committee is aware that lawyers continue to provide services to internet companies for provision of legal services, particularly with regard to motor vehicle violations. This Notice to the Bar reminds New Jersey lawyers that if they contract to provide legal services to customers of such companies, they violate the Rules of Professional Conduct.

The most recent company investigated by the Committee claims that they merely refer their customers to New Jersey lawyers, who the customers select from the company's website. For-profit attorney referral services are not permitted in New Jersey. RPC 7.2(c) and RPC 7.3(d). When clients retain lawyers through a third-party company, and the lawyers pay the company something of value per client retained, the company is operating an impermissible attorney referral service. See UPL Committee Joint Opinion 54 (2017) and UPL Committee Joint Opinion 45 (2009). New Jersey lawyers who participate in an

impermissible referral service violate Rules of Professional Conduct 7.2(c) and 7.3(d).

Some internet companies disguise the per-client fee by claiming to offer other products to the lawyer, such as case management software, for which the lawyer must pay. The label companies use for a per-client fee does not change its nature. Further, payment for a product that is not necessary to provide legal services to the client, offered by the company in conjunction with the referral, does not transform a referral fee into something else. Lawyers may not pay anything of value to a for-profit company for referring clients.

If lawyers have questions about whether they may participate with an internet company that offers customers legal services through lawyers furnished or referred by the company, they may call the attorney ethics research assistance hotline, (609) 815-2924.

/s/ Adrienne C. Rogove

Adrienne C. Rogove
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Practice of Law

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