

NOTICE TO THE BAR

**SUPREME COURT ADMINISTRATIVE DETERMINATIONS ON THE
REPORT OF THE PROFESSIONAL RESPONSIBILITY RULES
COMMITTEE (PRRC) (2018-2024): (1) AMENDMENTS TO RPCS
1.5(B) AND 8.4(G); (2) PILOT PROGRAM FOR ATTORNEY GENERAL
WAIVER OF CONFLICTS; AND (3) NO EXCEPTION TO
CONFIDENTIALITY TO RESPOND TO NEGATIVE ONLINE REVIEWS**

This notice sets forth the Supreme Court's actions on the recommendations of the Professional Responsibility Rules Committee (PRRC) as contained in the PRRC's 2018-2024 Report. The Court made these determinations after publication of the report for comment and after considering the comments submitted.

In summary, the Court determined (a) to amend RPC 1.5(b) regarding lawyer fees, (b) to amend RPC 8.4(g) regarding discriminatory conduct, (c) to approve a two-year pilot program for the Attorney General to waive conflicts of interest in certain cases, and (d) not to amend RPC 1.6 and RPC 7.1 to allow lawyers to disclose confidential information in response to negative online reviews.

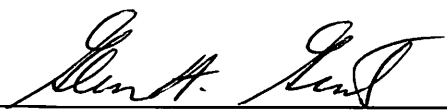
The amendments to RPC 1.5(b) will require attorneys to state the basis or rate of their fee in writing at the beginning of the representation and also whenever there is a material change in the fee structure. If the fee structure will remain the same, no subsequent writing will be required.

The amendments to RPC 8.4(g) are intended to mirror the protected classifications listed in that provision to those in the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-3, with the addition of religion. The Court further determined, in response to comments received, to remove the exception for conduct that is employment discrimination that has not resulted in a final agency or judicial determination; to include “bias” as well as discrimination; and to change the language about conduct “because of” the protected classifications to conduct “related to” the protected classifications.

Attached to this notice is the Court’s March 6, 2025 order adopting those amendments to RPC 1.5(b) and RPC 8.4(g), to be effective April 1, 2025.

The Court approved the PRRC’s recommendation for a two-year pilot program (April 1, 2025 through March 31, 2027) to permit the Attorney General to waive conflicts of interest for clients represented by the Attorney General’s Office. RPC 1.7(b)(1) at present prohibits public entities from waiving conflicts. The Court will assess the program during the pilot period.

The Court concurred with the PRRC not to amend RPCs 1.6 and 7.1 to allow attorneys to disclose otherwise confidential information about their clients online in response to negative online reviews.



Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director

Dated: March 6, 2025

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules of Professional Conduct 1.5 (“Fees”) and 8.4 (“Misconduct”), as included in the Rules Governing the Courts of the State of New Jersey, are adopted to be effective April 1, 2025.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart Rosen", written in a cursive style.

Chief Justice

Dated: March 6, 2025

RPC 1.5 Fees

(a) ... no change

(b) [When the lawyer has not regularly represented the client, the] The basis or rate of the fee shall be communicated in writing to the client before or within a reasonable time after commencing the representation. Any changes in the basis or rate of the fee shall also be communicated to the client in writing. When a lawyer undertakes a new representation for a previous client and the fee structure is the same, no such writing is required.

(c) ... no change

(d) ... no change

(e) ... no change

Note: Adopted July 12, 1984 to be effective September 10, 1984; new subparagraph (e)(2) added and former subparagraphs (e)(2) and (e)(3) redesignated as subparagraphs (e)(3) and (e)(4) November 17, 2003 to be effective January 1, 2004; paragraph (b) amended March 6, 2025 to be effective April 1, 2025.

RPC 8.4 Misconduct

It is professional misconduct for a lawyer to:

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) engage, in a professional capacity, in conduct involving bias or discrimination [(except employment discrimination unless resulting in a final agency or judicial determination) because of] related to race, religion, creed, color, national origin, ancestry, [religion,] age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, or nationality, [national origin, language, marital status, socioeconomic status, or handicap, where] when the conduct is intended or likely to cause harm.

Note: Adopted July 12, 1984 to be effective September 10, 1984; paragraph (g) adopted July 18, 1990, to be effective September 4, 1990; paragraph (g) amended May 3, 1994, to be effective September 1, 1994; paragraph (e) amended November 17, 2003 to be effective January 1, 2004; paragraph (g) amended March 6, 2025 to be effective April 1, 2025.