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IN RE: ADVISORY COMMITTEE ON PROFESSIONAL ETHICS OPINION 745

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PETITION IN SUPPORT OF A REVIEW OF ADVISORY COMMITTEE ON PROFESSIONAL ETHICS OPINION 745

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PRELIMINARY STATEMENT

Pursuant to Rule 1:19-8, Petitioner, Blume, Forte, Fried, Zerres & Molinari, P.C., respectfully submits this Petition for Review of Opinion 745 of the Advisory Committee on Professional Ethics (hereinafter referred to as "Opinion 745" and the "ACPE," respectively). Opinion 745 needlessly ended New Jersey Certified Trial Attorneys' ability to pay referral fees to out-of-state referring attorneys, any attorneys with conflicts of interest or attorneys who do not maintain New Jersey trust accounts. While New Jersey Courts and practitioners will suffer as a result, it is the common litigants who are harmed most significantly, as their access to the most qualified and competent representation has been obscured. Petitioner is hindered from being able to best continue to serve our client base, and prospective clients, who typically are not sophisticated and do not have access to lawyers in their networks, requiring referrals to specialized representation.

Opinion 745 is structured upon a misunderstanding of the rudimentary difference between a referral fee paid for a referral alone pursuant to Rule 1:39-6(d), versus a legal fee division under RPC 1.5(e) amongst multiple attorneys from different firms for actual legal work performed on a matter. The Opinion's holding will result in adverse consequences to New Jersey litigants, depriving the public of qualified representation, which Rule 1:39-6 was enacted to avoid.

The Opinion devalues the Certified Trial Attorney designation without any benefit to the New Jersey bar or litigants. It creates procedural and logistical pitfalls rather than curing any wrong or protecting against an ongoing or anticipated harm. Therefore, Petitioner respectfully requests its Petition for Review be granted, and Opinion 745 be reversed and nullified.

STATEMENT OF THE MATTER INVOLVED

In New Jersey, lawyers who achieve the designation of Certified Trial Attorney, pursuant to Rule 1:39, et seq., are permitted to provide a referral fee to a referring attorney "without regard to services performed or responsibility assumed by the referring attorney[.]" R. 1:39-6(d). This referral privilege is afforded to Certified Attorneys, and not permitted to non-certified lawyers, in recognition of Certified Attorneys' extensive "education, experience, knowledge, and skill for each designated area of practice[,]" as tested and regulated by our Supreme Court and the New Jersey Board on Attorney Certification. See R. 1:39; see generally R. 1:39-1(d).

Subsection "d" of Rule 1:39-6 was adopted on November 1, 1985 and first became effective on January 2, 1986. Pressler & Verniero, Current N.J. Court Rules, Note on R. 1:39-6 (2024). While Rule 1:39-6(d) has been amended twice since that time, in 1994 and 1996, its effect has remained unaltered and undisturbed since its inception. Ibid.

The Petitioner is a Professional Corporation comprised of 20 attorneys (15 attorneys and five attorneys of counsel), 11 of whom are Certified Civil Trial Attorneys. All attorneys are members of the New Jersey bar.

On March 12, 2024, the ACPE published Opinion 745, apparently in response to the attorney ethics research assistance hotline receiving "inquiries about out-of-state lawyers seeking payment of referral fees from New Jersey certified attorneys." See (Pa1). Opinion 745 additionally commented on requiring referral fees to be paid only to lawyers maintaining "New Jersey bank accounts to be eligible to practice law in New Jersey[,]" and not permitting referral fees when a referring attorney of any state cannot represent a client due to a conflict of interest. See (Pa3-Pa4).

Ultimately, Opinion 745 held that:

> [C]ertified lawyers may not pay referral fees to out-of-state lawyers unless those out-of-state lawyers are licensed and eligible to practice law in New Jersey. In addition, certified lawyers may not pay referral fees to a lawyer who cannot handle a matter due to a conflict of interest, though they may pay referral fees to lawyers who referred a case when they were eligible to practice but were suspended or disbarred at the time the case resolved and the referral fee was payable.
>
> [See (Pa5-Pa6)].

QUESTION PRESENTED

Did the ACPE err in concluding that Certified Attorneys may not pay referral fees to out-of-state lawyers, New Jersey lawyers who cannot accept a

case or must withdraw from a case due to a conflict of interest and New Jersey lawyers who do not have a New Jersey business/trust bank account?

ERRORS COMPLAINED OF

Petitioner respectfully submits that Opinion 745 is based upon a fundamentally inaccurate premise, contradicting and confusing the basic distinctions between referral fees under Rule 1:39-6(d) and the division of participation fees for legal services rendered under RPC 1.5. To that end, Opinion 745 is devoid of support and extends far beyond the scope of the initiating inquiry to which it responded. Additionally, the Opinion misconstrues the purpose of our Supreme Court's recognition of Certified Attorneys under Rule 1:39, et seq., promoting procedural inefficiencies and instabilities which will result in a deleterious effect on the citizens of New Jersey, New Jersey bar and professional interests of New Jersey practitioners.

It is unclear what problem Opinion 745 was issued to solve, as any benefit is completely obscured, but what is evident is the overwhelmingly unfair, prejudicial and illogical impact by which the public will suffer, should Opinion 745 not be reversed and nullified.

LEGAL ARGUMENT

Pursuant to its "plenary, exclusive, and almost unchallenged power over the practice of law," this Court reviews ethics questions *de novo*. In re

Application of LiVolsi, 85 N.J. 576, 585 (1981); see also In re Supreme Court Advisory Comm. On Pro. Ethics Op. No. 697 (In re Op. 697), 188 N.J. 549, 554 (2006).

I. Opinion 745 Must Be Reversed, As It Is Based Upon Fundamentally Inaccurate Premises (Pa1-Pa6).

Opinion 745 is flawed in all aspects, primarily regarding its failure to recognize the fundamental difference between the division of legal fees, where two lawyers from different firms are actively working on a case, and the payment of a referral fee by a Certified Attorney under Rule 1:39-6(d). It is further flawed in its misapplication of any perceived "conflict" issues, inappropriately extending the scope of Opinion 745's holding well beyond its purpose.

A. *The Payment of a Referral Fee Is Wholly Separate and Distinct From a Division of Legal Fees Between Multiple Attorneys Working On a Case (Pa1-Pa6).*

Opinion 745 states, "[a]s a referral fee is considered payment for legal services rendered in the case (not in proportion to actual services rendered), the lawyer to whom the fee is payable must be eligible to practice New Jersey law." See (Pa3). A referral fee from a Certified Attorney pursuant to Rule 1:39-6(d) is *not* payment for legal services rendered in the case, but for the referral alone. A referral fee by a Certified Attorney is therefore not on the basis of the legal services rendered, but rather is strictly on the basis of the referral in and of itself. R. 1:39-6(d); see also Goldberger, Seligsohn & Shinrod, P.A. v. Baumgarten,

378 N.J. Super. 244, 251 (App. Div. 2005) (distinguishing between referral fees and fees for services provided, holding that payment of "referral fees" on the sole basis of a referral under Rule 1:39-6(d) has "no application" to a fee-sharing arrangement or payment for legal services actually provided).

It is the inherent nature of a Rule 1:39-6(d) referral itself, not the services that are being rendered by the referring attorney, that is the dividing line. When addressing the division of fees in a circumstance in which two lawyers are actively working on the same matter, RPC 1.5(e) (division of fees) does not address an out-of-state attorney. In Weiner & Mazzei P.C. v. The Sattiraju Law Firm P.C., A-1079-14 (App. Div. May 25, 2016) (slip op. at 5-6), the Appellate Division indicated that while Rule 1:39-6(d) abrogated some of the requirements of RPC 1.5(e), it did not abrogate other requirements, being the reasonableness of the fee and consent from the client. See (Pa7-Pa9). Nowhere does RPC 1.5 indicate that a referring attorney must be a New Jersey attorney, or "eligible to practice" law in New Jersey as Opinion 745 misstates, in order for a Certified Attorney pursuant to Rule 1:39-6(d) to be able to pay a referral fee. In point of fact, Rule 1:39-6(d) is silent on the issue.

The aforementioned quotation from Opinion 745 has no basis or support in Rule 1:39-6(d) or RPC 1.5. Moreover, there is no basis or support in the Court Rules or Rules of Professional Conduct that "the lawyer to whom the fee

is payable must be eligible to practice New Jersey law." See (Pa3). The case law cited in Opinion 745 is completely inapposite to the situation at hand. In Stack v. P.G. Garage, Inc., 7 N.J. 118 (1951), *a non-lawyer* attempted to obtain payment for *legal services rendered* in a matter. Opinion 745 additionally cites Appell v. Reiner, 81 N.J. 229, 241 (Ch. Div. 1963), rev'd on other grounds, 43 N.J. 313 (1964), in which an out-of-state lawyer who practiced law in New Jersey was not entitled to receive a fee because it was the *unauthorized practice of law*. Similarly, in In re Armorer, 153 N.J. 358 (1998), a lawyer was seeking to recover a fee for *legal services rendered* while she was *ineligible to practice law* in New Jersey. None of Opinion 745's citations relate to referral fees, but instead to the division of fees for services provided. The foregoing decisions, involving non-attorneys and unauthorized or ineligible legal practice, are distinctly different from an out-of-state attorney receiving a referral fee.

It is important to contextualize payment of referral fees and payment of fees for "cross-border practice" or when there is unauthorized practice of law, which Opinion 745 conflates throughout its decision. See Comm. on the Unauthorized Prac. of Law, Op. 49 (2012) (delineating permissions afforded to out-of-state lawyers engaging in the actual practice of New Jersey law, under RPC 5.5); Comm. on the Unauthorized Prac. of Law, Op. 60 (2022) (providing procedural registration guidance for out-of-state lawyers). The point of the

matter is that the out-of-state lawyer who is referring a case to a Certified New Jersey Attorney is *not practicing law* in New Jersey.

The confusion between the division of a participation fee between two lawyers who work on a case and a referral fee is best seen in Opinion 745, wherein it stated, "[a]n out-of-state lawyer is not permitted to receive a referral fee of a New Jersey case unless the out-of-state lawyer is licensed and eligible to practice in New Jersey." See (Pa3). Again, as is evident throughout Opinion 745, for this all-encompassing statement, there is no authority provided. Apparently, the basis for the Opinion's assertion is the fact that New Jersey lawyers must have New Jersey bank accounts in accordance with the Rules to be eligible to practice law in New Jersey, but that assumes that *legal services* are being rendered by the out-of-state attorney *in New Jersey.* Making a recommendation to a litigant that he or she would be best served by having the matter referred to a New Jersey Certified Attorney is not the practice of law.

The blurred distinction between the division of fees for work that was actually performed, and a referral fee by a Certified Attorney, is apparent throughout Opinion 745 and vitiates its conclusions.

B. *Opinion 745 Misapplies Payment of Referral Fees When a "Conflict" Is Presented (Pa1-Pa6).*

Opinion 745 broadly states that:

> New Jersey lawyers who cannot undertake a New Jersey case, or who must withdraw from a case, due to a conflict of interest often refer the matter to a certified lawyer. Certified lawyers may not pay referral fees in these circumstances since the referring lawyers are not able to, or are no longer able to, provide legal services in that case.
>
> [See (Pa4)].

Not only is there no authority cited in support of this position, but it also goes well beyond the scope of, and has no bearing on, the inciting inquiry upon which Opinion 745 is premised, i.e., referral fees for out-of-state lawyers.

The Opinion cites to DeBolt v. Parker, 234 N.J. Super. 471 (Law Div. 1988), Advisory Comm. on Pro. Ethics, Op. 613 (1988), Advisory Comm. on Pro. Ethics, Op. 629 (1989) and Advisory Comm. on Pro. Ethics, Op. 304 (1975) in support of its holding that conflicted attorneys cannot receive referral fees. See (Pa4). Each decision/opinion is readily distinguishable from the derived conclusion, in that they focus specifically on attorneys receiving fees for legal services provided in a matter wherein the attorney subsequently withdrew due to a conflict. *None* of those holdings have anything to do with a referral fee. Opinion 745's reliance on these decisions/opinions further highlights the failure to recognize the fundamental difference between referral fees from Certified Attorneys and participation fees earned for legal services rendered. These are separate from each other, and conflicts of any nature do not impact a fee provided solely for a referral.

The Opinion ignores that most conflicts are waivable, regardless of strategy moving forward. The general rule regarding conflicts of interest is clear: "a lawyer shall not represent a client if the representation involves a concurrent conflict of interest." RPC 1.7(a). Clients can waive the conflict in writing, based on informed consent after full disclosure. RPC 1.7(b). In most instances when a conflict arises, the Certified Attorney is the one making strategical decisions in relation to same, thereby eliminating the conflict issues of the referring attorney. Potential "conflict" scenarios arise often, including, but not limited to when: there are multiple plaintiffs and a limited policy; a parent and child are represented and there is a crossclaim against the parent; the attorney previously represented the defendant in a prior case, or; a driver and passenger are represented in a rear-end collision. Permitting the conflicted attorney to refer a litigant to a Certified Attorney is in the best interest of the litigant and provides an assurance to the referring attorney that the client is going to receive competent representation based upon an informed recommendation.

The ACPE and our Supreme Court have commented on conflict representation on many occasions in the past, consistently recognizing that conflicts can be waived and the ultimate standard to abide by when confronted with same is for the attorney to ensure that any such conflict does not limit the lawyer's ability to provide independent advice or diligent and competent

representation. See generally In re Op. 697, 188 N.J. at 567-69. Opinion 745 encourages referring attorneys to simply withhold information that they have a conflict when referring a case, or worse, keep the case despite the conflict. Neither scenario benefits the public.

II. Opinion 745 Contradicts and Devalues Our Supreme Court's Recognition of Certified Attorneys to the Detriment of the Public (Pa1-Pa6).

A New Jersey Certified Attorney is recognized by our Supreme Court as exhibiting "extensive and substantial experience," education, knowledge, skill and established professional fitness and competence. R. 1:39, et seq. Not only are stringent requirements in place to become eligible to attain the Certification (extensive trial experience, professional reputation and education review, etc.), but attorneys must successfully complete a written examination, further testing their knowledge of all facets of the practice specialty, evidence and trial advocacy. R. 1:39-2; R. 1:39-3. A Certified Attorney is recognized as having "met this high standard of competence in a given specialty to the satisfaction of the Board on Attorney Certification [and] afforded unique recognition." In re Hyderally, 208 N.J. 453, 459 (2011). Achieving such a lofty status is a "privilege" "achieved by virtue of a demanding process" and identification of such designation is recognized as "an important symbol of professional competence in a specialized field[.]" Id. at 460. To maintain the designation, a

Certified Attorney must apply for Certification renewal every five years, complying with continued rigorous substantive, professional fitness and educational standards which are reviewed by the Board on Attorney Certification. R. 1:39-7.

One of the privileged effects of the Certification is set forth under Rule 1:39-6(d):

> A certified attorney who receives a case referral from a lawyer who is not a partner or associate of that attorney's law firm or law office may divide a fee for legal services with the referring attorney or the referring attorney's estate. The fee division may be made without regard to services performed or responsibility assumed by the referring attorney, provided that the total fee charged the client relates only to the matter referred and does not exceed reasonable compensation for the legal services rendered therein.

The very purpose of Rule 1:39-6(d) is to ensure that New Jersey lawyers who are skilled and qualified in a specialty area will in fact be representing litigants who need services in those areas, and that both the public, and lawyers from New Jersey and other states, can readily discern who they are because of their designation. It provides an avenue for lesser skilled lawyers, or lawyers unskilled in trial work, to refer their clients to qualified professionals, rather than take the risk of holding onto the case and doing a suboptimal job at best, when they could make a referral with confidence of diligent representation.

The Certifications were designed to benefit the litigants and to provide the public with a way of finding lawyers who are specialized and have been accepted as being specialized and proficient in designated areas of practice. The Rule innately gets cases to attorneys designated with such expertise, for the good of the public, while allowing a fee to the referring attorney, incentivizing a referral to not just any attorney better suited to handle the matter, but to an attorney tested and certified by our Supreme Court. Part of what litigants expect, and frankly need, from their local attorneys is not just knowledge of the law in their state, but also knowledge of competent, specialized lawyers in other jurisdictions to refer the matter to in furtherance of the best interests of the litigants. The very nature and basis of Rule 1:39-6 and its *raison d'etre* is threatened by Opinion 745.

Opinion 745 devalues the Trial Attorney Certification without any benefit whatsoever to the legal system, New Jersey attorneys or the public at large. Ironically, Opinion 745 has the opposite effect upon the purpose and reasoning of Rule 1:39-6(d), needlessly modifying and impairing the salutary purpose of same. Confusingly, Opinion 745 even allows for the payment of referral fees to attorneys who were suspended or disbarred after initially making the referral. See (Pa4-Pa5). Referral fees provided under Rule 1:39-6(d) do not limit competent representation, but in fact enhance the referring attorney's ability to

provide independent advice by the inherent nature of the referral to a Certified Attorney, who is recognized by our Supreme Court as substantially experienced, qualified and informed to provide diligent representation.

The Rule subsection, as originally written and interpreted, assured that dabbling non-certified lawyers, and here in particular, out-of-state attorneys, were encouraged by a condoned referral fee to refer clients in need to qualified professionals in the State of New Jersey. It is an incentive to get litigants to the right attorney who provides the most benefit and best service. If the issue Opinion 745 set out to address was how out-of-state attorneys should appropriately handle New Jersey clients with legal issues, or out-of-state clients with New Jersey legal issues, the most readily available solution would be referrals to Certified Attorneys. The New Jersey Supreme Court has recognized Certified Attorneys as having the requisite wisdom, experience, tested knowledge, ethical appreciation and practical abilities to provide diligent legal services to clients referred by out-of-state attorneys in exactly the scenarios Opinion 745 set out to address. Opinion 745 effectively punishes Certified Attorneys without reason, having an overall opposite effect upon the purpose and reasoning of Rule 1:39, ultimately harming the end consumer – the litigant.

III. Opinion 745 Promotes Procedural Inefficiency and Instability, Resulting In Adverse Consequences to the Litigants and Practitioners in the State of New Jersey (Pa1-Pa6).

A. *The Impact of Opinion 745 is Anti-Commerce and Isolates New Jersey Practitioners As Outliers Compared to Other States' Referral Fee Models (Pa1-Pa6).*

Opinion 745 creates a severe disadvantage for the litigants and the people of the State of New Jersey, when compared to other states in the Northeast, such as Pennsylvania, Connecticut, Delaware, Rhode Island, New York and Massachusetts, all of which allow referral fees to be paid to out-of-state attorneys. No referral model is as restrictive as the one enacted by Opinion 745. For example, in Pennsylvania, the Philadelphia Bar Association stated that, pursuant to RPC 1.5(e), "fee-splitting is permissible if the client is aware of the arrangement and does not object and the total fee is clearly not excessive or illegal, the rule has been interpreted to mean that a client need not be informed of the amount of the referral fee." Phila. Bar Ass'n Pro. Guidance Comm., Op. 93-15 (1993) (citing Phila. Bar Ass'n Pro. Guidance Comm., Op. 90-139 (1990)). Therefore, a Pennsylvania lawyer is authorized to pay a referral fee to an out-of-state lawyer. Ibid. Similarly, the Connecticut Bar Association's Standing Committee on Professional Ethics permits referral fees paid to out-of-state attorneys, holding that:

> [T]he rule does not require that the counsel to whom the case is referred be a Connecticut-admitted attorney. It only requires that the referring attorney reasonably believes that the new counsel is competent; that the attorney advise the client in writing of the compensation sharing agreement and

> of the participation of the new counsel and the client does not object; and the total fee to be paid by the client be reasonable.
>
> [Conn. Bar Ass'n Standing Comm. on Pro. Ethics, Informal Op. 20-02 (2020) (citing Conn. Bar Ass'n Standing Comm. on Pro. Ethics, Informal Op. 91-7 (1991) and Conn. Bar Ass'n Standing Comm. on Pro. Ethics, Informal Op. 92-09 (1992)).]

The referring attorney is *not* required to provide services or assume joint responsibility for representation in the referred case. Ibid. The implementation of Opinion 745 will have the practical effect of placing New Jersey lawyers and Courts at a disadvantage when compared to these other states. The solution herein is not to completely ban referral fees to out-of-state attorneys under Rule 1:39-6(d), but rather to protect the rights of the litigants by referring them to the attorneys who are most qualified and skilled to handle such claims.

Moreover, Opinion 745 is anti-consumer and will prevent any form of reciprocity. It infringes upon the everyday consumer's free market ability to select a lawyer and receive representation best suited for that particular matter. It should be the end goal to have litigants trust their advisor and follow referrals as such. Opinion 745 will extinguish essential streams of revenue, as out-of-state referrals and a focus on attaining a Trial Certification designation are core business principles upon which many New Jersey law practices are founded. Not to mention, there is no reference in the Opinion as to if this holding is retroactive, leaving New Jersey Certified Attorneys open to significant contract

lawsuits if out-of-state attorneys now have to be informed that referral agreements under Rule 1:39-6(d) will no longer be honored. The Opinion will disrupt long-standing New Jersey procedure and practice of recognizing that Rule 1:39-6(d) referral fees are distinct from participation fee division agreements, and that out-of-state attorneys are entitled to such referral fees. See generally Goldberger, Seligsohn & Shinrod, P.A., 378 N.J. Super. at 251. The resulting impact hinders New Jersey lawyers and will lead to a dilution of the quality of the representation in New Jersey, all of which will only serve to hurt the litigant for whom the entire system functions to protect.

B. *Procedural and Logistical Nightmares Are Created By Opinion 745, Endangering New Jersey Litigants' Rights (Pa1-Pa6).*

The Opinion will also create an incentive for lawyers who would otherwise be referring their cases to qualified Certified Attorneys in New Jersey to now be admitted *pro hac vice* to receive a fee themselves. Such out-of-state attorneys may not be familiar with the Rules in New Jersey, resulting in harsh outcomes for their clients, to the detriment of all. For example, said out-of-state attorney may not know the Affidavit of Merit, or the nuanced particularities of Title 59 cases, but will now likely attempt to keep the case for himself or herself, rather than referring the case for which there can be no referral fee. New Jersey Courts have continuously held that ignorance, lack of knowledge, carelessness or lack of diligence by counsel will not excuse procedural failures or missed

filing requirements. See Hyman Zamft & Manard L.L.C. v. Cornell, 309 N.J. Super. 586, 593 (App. Div. 1998); Hartsfield v. Fantini, 149 N.J. 611, 615-19 (1997). Similarly, dismissals relative to New Jersey's Tort Claims Act cannot be avoided due to notice failures or ignorance of local laws. O'Neill v. City of Newark, 304 N.J. Super. 543, 553 (App. Div. 1997) (citing Escalante v. Twp. of Cinnaminson, 283 N.J. Super. 244, 250 (App. Div. 1995)); Ohlweiler v. Twp. of Chatham, 290 N.J. Super. 399, 405 (App. Div. 1996).

The anticipated increased influx of *pro hac vice* applications will ultimately result in adverse consequences for litigants and for the administration of justice in New Jersey. Such a process will erode the bar in New Jersey and is counterproductive to maintaining the practice of law in New Jersey. Our courts are already severely backlogged, under-staffed and suffering through a judicial vacancy crisis, but now will be subjected to an avalanche of *pro hac vice* applications, deficient filings and regular inquiries as to basic procedure from out-of-state attorneys who previously would have referred the matter to a Certified Attorney, in deference to his or her expertise and experience.

Another detriment to the public to be considered as a result of Opinion 745 is that if/when out-of-state attorneys begin seeking *pro hac vice* admissions and traveling to New Jersey to work on a case, the out-of-state attorney's filing fees, air travel costs and lodging bills will all come out of the client's recovery

as expended costs on the file. Following Opinion 745 to its logical conclusion, the lawyer admitted *pro hac vice* would also have to open an attorney business account in New Jersey, wasting further time and money. See (Pa3-Pa4).

In order to protect the litigants, it is important that they all have the ability to receive representation by a Certified Attorney by referral, if so chosen. Rule 1:39-6(d) ensures a benefit to the public in that the case is sent to a Certified Attorney who has proven himself or herself as superiorly qualified in the courtroom, both in terms of seasoned practice, reputation amongst the judiciary and the bar, and a well-maintained current legal knowledge via stringent continuing legal education and re-certification standards. Such proven credentials merit the privilege of providing a referral fee to a referring out-of-state or conflicted attorney, without participation.

Opinion 745 does not serve the public in the slightest, as out-of-state lawyers, comparatively lacking local knowledge and experience, will now represent claimants, or cases will simply be filed in other states in applicable instances. It is difficult to understand how the litigant gets penalized in any way under the Rule 1:39-6(d) referral system, but it is clear that Opinion 745 only acts as a disservice and harm to litigants when considering the foregoing. Opinion 745 takes away the benefits and protections previously afforded to the litigants, whether they are New Jersey residents or not, by stripping away the

incentive for an out-of-state attorney to refer a case, and to that end, this Opinion affects the quality of justice for all.

CONCLUSION

For the foregoing reasons, Petitioner respectfully submits that its Petition should be granted, and Opinion 745 should be reversed and nullified.

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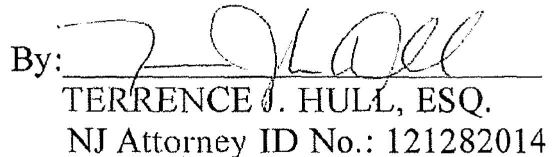

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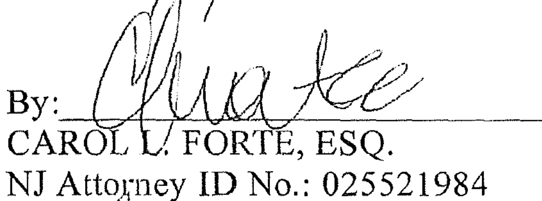

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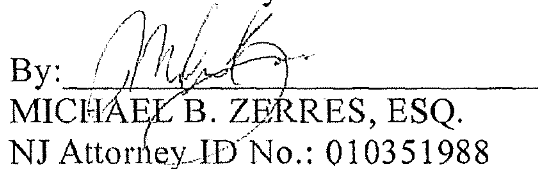

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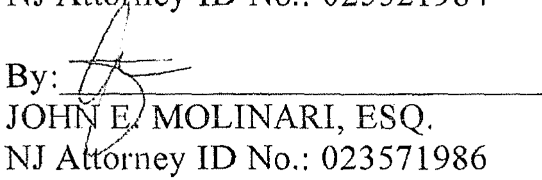

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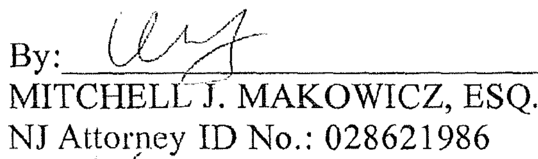

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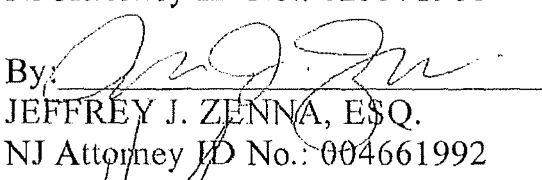

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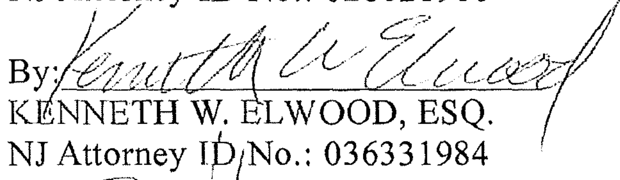

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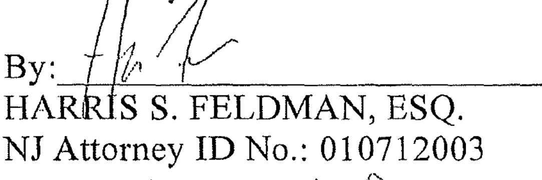

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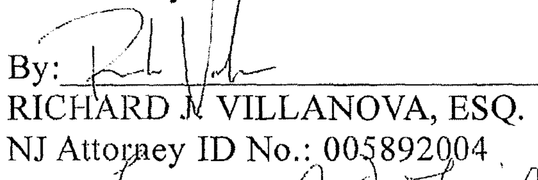

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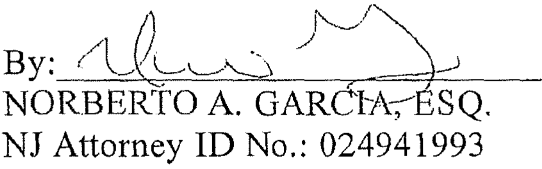

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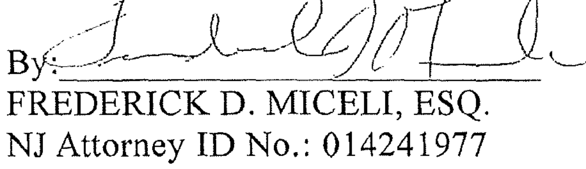

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