

COMMITTEE ON ATTORNEY ADVERTISING
APPOINTED BY THE NEW JERSEY SUPREME COURT

Opinion 38
Committee on Attorney Advertising

Attorney Participation With Services Offered
By 1-800-U.S.Lawyers Referral Service Prohibited

The Committee on Attorney Advertising has received complaints concerning direct mail solicitation by an entity called 1-800-U.S.Lawyer and/or 1800USLawyer.com. This advertisement is addressed to “Recent Car Accident Victim,” indicates that “U.S. LAWYER” learned through public records that the recipient “may have been injured in a recent automobile accident,” and invites the recipient to telephone them “to discuss your accident and potential claim.” It states that “[a] U.S. LAWYER can meet with you FREE at your home for your convenience, or you are welcome to meet with us at one of our offices.” The direct mail solicitation letter thus implies that it is from a law firm offering to represent a victim of an automobile accident in a personal injury lawsuit.

The advertisement does not contain an attorney’s name or office street address, the “firm name” appears to be the website or 800 phone number, the font of the word “advertisement” at the top and the notice at the bottom is improperly tiny, it has no name to whom it is addressed, it refers to the Right to Know Law rather than the Open Public Records Act, and it misleadingly states that the unnamed recipient may be eligible for up to \$250,000 in personal injury protection plus compensation for pain and suffering. Accordingly, had the advertisement been from a New Jersey law firm, it would be violative of numerous attorney advertising *Rules*, including *RPC*

7.1(a), *RPC* 7.3(b)(5), *RPC* 7.5, Attorney Advertising Guideline 1, and Attorney Advertising Guideline 2.

However, the website, 1800USLawyer.com, indicates that 1-800-U.S.Lawyer is not a law firm but, rather, appears to be an attorney referral service. Private for-profit referral services are barred by *RPC* 7.3(d). This *Rule* prohibits attorneys from “compensat[ing] or giv[ing] anything of value to a person or organization to recommend or secure the lawyer’s employment by a client, or as a reward for having made a recommendation resulting in the lawyer’s employment by a client” Further, *RPC* 7.2(c) prohibits a lawyer from “giv[ing] anything of value to a person for recommending the lawyer’s services,” with limited exceptions for not-for-profit legal referral services or organizations listed in *RPC* 7.3(e), such as certain legal aid offices. Accordingly, assuming New Jersey lawyers have paid or given something of value to be included in the roster of attorneys of 1-800-U.S.Lawyer and/or 1800USLawyer.com, attorney participation with services offered by this entity is strictly prohibited.