

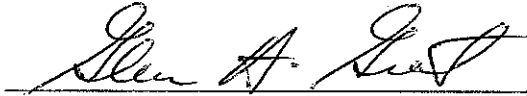
NOTICE TO THE BAR

ATTORNEY ADVERTISING GUIDELINE 3

ATTORNEY ADVERTISEMENTS: USE OF QUOTATIONS OR EXCERPTS FROM JUDICIAL OPINIONS ABOUT THE LEGAL ABILITIES OF AN ATTORNEY

The New Jersey Supreme Court has approved Attorney Advertising Guideline 3, "Attorney Advertisements: Use of Quotations or Excerpts From Judicial Opinions About the Legal Abilities of an Attorney," effective June 1, 2012. Attorney Advertising Guideline 3 will be incorporated into the Rules of Court. The Attorney Advertising Guidelines immediately follow the Rules of Professional Conduct (after the Part I rules) in the Rules of Court.

The full text of Guideline 3 and its Official Comment are attached.

A handwritten signature in cursive script, appearing to read "Glenn A. Grant", is written over a horizontal line.

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

Dated: May 15, 2012

COMMITTEE ON ATTORNEY ADVERTISING

ATTORNEY ADVERTISING GUIDELINE 3

Attorney Advertisements: Use of Quotations or Excerpts From Judicial Opinions About the Legal Abilities of an Attorney

An attorney or law firm may not include, on a website or other advertisement, a quotation or excerpt from a court opinion (oral or written) about the attorney's abilities or legal services.

An attorney may, however, present the full text of opinions, including those that discuss the attorney's legal abilities, on a website or other advertisement.

Official Comment to Guideline 3 (by the Supreme Court)

This Guideline arises from the review by the Committee on Attorney Advertising of an attorney's website that included two quotations from judges about the attorney's legal abilities. The quotations were from unpublished opinions of the judges on fee applications and the judges' names and titles were included in the advertisement.

RPC 7.1(a) prohibits misleading statements. When a judge discusses an attorney's legal abilities in an opinion, such as in a fee-shifting or division-of-fee case, the judge is setting forth findings of fact and conclusions of law pertinent to the decision in the matter. The judge is not personally endorsing the attorney or making a public statement about the attorney for advertising purposes. In fact, judges are expressly prohibited from endorsing attorneys or providing testimonials regarding attorneys. The Committee finds that such quotations or excerpts, when taken out of the context of the judicial opinion and used by an attorney for the purpose of soliciting clients, are prohibited judicial endorsements or testimonials. As such, these quotations or excerpts from a judicial opinion in attorney advertising are inherently misleading in violation of RPC 7.1(a).

Note: Adopted May 15, 2012 to be effective June 1, 2012.